COMMISSIONER OF OFFICIAL LANGUAGES

COMMISSAIRE AUX LANGUES OFFICIELLES

ANNUAL REPORT 1989

From Act to Action?

THE IDEAS AND EVENTS WHICH SHAPE CANADA!

Now available as individual extracts from the Annual Report 1989

MINORITIES — OVERVIEW: CLOUDS AND SILVER LININGS

A discussion of policy issues and a review of province-by-province developments affecting our official language minority groups.

SECOND-LANGUAGE INSTRUCTION — OUTLOOK: GROWTH HAS ITS PROBLEMS

A policy overview and regional roundup of developments in second-language instruction.

OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES — PREPARING FOR THE FUTURE: CHANGING AND EXPLAINING

An overview of the various components of the Commissioner's Office with a summary of 1989's activities. Appendices on other aspects of official languages are also included.

Other related publications

LANGUAGE AND SOCIETY

A quarterly review that reflects the linguistic experience of Canadians. Keeps them informed of relevant major events both on the national and the regional scenes and seeks to promote dialogue.

INTERESTED IN LANGUAGE MATTERS?

A complete listing of publications, posters and audio-visual materials available from the Office of the Commissioner of Official Languages. Order form included.

ORDER FORM

Please send me (indicate quantity* needed in the appropriate box),

- The Minorities — Overview: Clouds and Silver Linings ☐
- Second-Language Instruction — Outlook: Growth Has Its Problems ☐
- Office of the Commissioner of Official Languages — Preparing for the Future: Changing and Explaining ☐
- Language and Society ☐
- Interested in Language Matters? ☐

Mr ☐ Mrs ☐ Miss ☐ Ms ☐

Name

Title or profession

Organization or school

Address

City Province

Postal Code Telephone Number

Please communicate with me in: English ☐ French ☐

* The Office of the Commissioner of Official Languages reserves the right to limit quantities. If more than one copy of the above items is requested please indicate the intended use.

Return the order form to:

Communications Branch
Office of the Commissioner of Official Languages
Ottawa, Canada K1A 0T8

R89

COMMISSIONER OF OFFICIAL LANGUAGES
COMMISSAIRE AUX LANGUES OFFICIELLES

ANNUAL REPORT 1989

©Minister of Supply and Services Canada 1990
Cat. No. SF1-1989
ISBN 0-662-57215-7

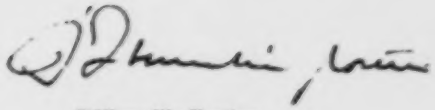
90-03905/

The Speaker,
Senate,
Ottawa

Mr. Speaker,

Pursuant to Section 66 of the Official Languages Act, I hereby submit to Parliament, through your good offices, the nineteenth Annual Report of the Commissioner of Official Languages, covering the calendar year 1989.

Yours respectfully,



D'Iberville Fortier
Commissioner of Official Languages

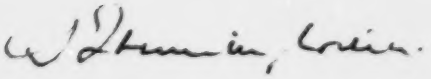
April 1990

The Speaker,
House of Commons,
Ottawa

Mr. Speaker,

Pursuant to Section 66 of the Official Languages Act, I hereby submit to Parliament, through your good offices, the nineteenth Annual Report of the Commissioner of Official Languages, covering the calendar year 1989.

Yours respectfully,



D'Iberville Fortier
Commissioner of Official Languages

April 1990

TABLE OF CONTENTS

	Preface: From Act to Action?	i
PART I	**PANORAMA 89**	1
	1. Affairs of State: Hope Deferred	3
	2. Language Rights: Little by Little	28
	3. Standing Joint Committee on Official Languages: "Review on a Permanent Basis"	43
	4. Federal Policies and Programs: A Two-Speed Engine	
	a. The Central Agencies	46
	b. Minority Support, Promotion of Official Languages and Research	63
PART II	**ANALYSIS — EQUALITY IN FEDERAL INSTITUTIONS** **Clippity Clop**	71
	Introduction The Ombudsman and the Citizen: Grounds for Complaint	73
	1. Language of Service: Molasses in January	84
	2. Equitable Participation: "Tending to Reflect"	92
	3. Language of Work: A Long Hibernation	101
PART III	**EVALUATIONS — FIFTY INSTITUTIONS** **Implementation Drop by Drop**	105

PART IV MINORITIES **169**

1. Overview:
Clouds and Silver Linings 171

2. Province-by-Province Review:
Up Hill and Down Dale 186

PART V SECOND-LANGUAGE INSTRUCTION **213**

1. Outlook:
Growth Has Its Problems 215

2. Regional Roundup:
Asking the Right Questions 223

APPENDICES **231**

A. Office of the Commissioner of Official Languages

1. Preparing for the Future:
Changing and Explaining 233

2. Tables on Complaints Statistics, Audit Reports and List of Publications 242

B. Census Data on Official Languages:
New Linguistic Profiles 249

Tables **253**

C. Program Costs of Federal Institutions and Participation in the Public Service 254

D. Second-Language Enrolment and Minority Language Education Statistics 260

E. Major Language Legislation in Canada 262

INDEX **265**

Preface: From Act to Action?

Readers of this year's Report will certainly notice our emphasis on the prompt and systematic implementation of the new Official Languages Act. Some may wonder whether we should be concerned about the language of the crew when the ship is in danger of sinking. In our opinion, such a question reflects undue pessimism and a dangerous misunderstanding of the importance of what is at stake in terms of equality for our official languages.

Undue pessimism, because history sometimes has surprises in store, especially when deadlines approach. One hundred and twenty years of effort cannot readily be undone, particularly the efforts of the last 20 years which have produced new and promising balances. We are convinced that this fact will contribute greatly to preserving the tolerance of Canadians and their desire to live in harmony.

But does this mean that the much improved Official Languages Act of 1988 can take the place of a solution to the constitutional problem? Certainly not. We wrote elsewhere that if the Meech Lake Accord did not exist it would have to be invented. Perhaps it will have to be re-invented. In our view, recognition of the distinct character of Quebec society is a necessary acknowledgement which, while respecting fundamental rights, must influence the interpretation of the Charter of Rights. This recognition is coupled in the Accord with the commitment to protect our linguistic duality everywhere in Canada. This too is important. We believe the process that began 20 years ago should be completed, that Quebec should be brought without delay into the constitutional fold, and that the Accord, if preserved in its present form, should subsequently be added to and improved, particularly as regards the treatment of minorities.

This Report contains abundant evidence of the lack of understanding of the importance to Canada of prompt and full implementation of the new Act. Despite the broad consensus that attended its birth, its application has generally been sluggish. Then, too, we have witnessed the sometimes insidious attacks of those of both language groups who do not yet share the vision of a new partnership based largely on recognition of our linguistic duality. The Official

Languages Act, which draws its inspiration directly from the Canadian Charter of Rights and Freedoms, gives our duality a broader meaning, one that fits with the thinking of the wise men and women of the B and B Commission. Going beyond the affirmation of equal status in federal institutions, it commits the Government to support minority development and, through the promotion of instruction in English and in French, to facilitate dialogue between our communities.

Slower than slow implementation of the Act

History may report of the period from the early 1980s to 1990 that the development of a new Act and subsequent preparations for its implementation appear to have served as an alibi in many sectors for postponing the actual reform of the linguistic system which it was meant to encourage. This Report shows, in fact, that with a few laudable exceptions, the era of renewal has yet to begin. Our analyses reveal that the 1988 Official Languages Act has, to this point, had little impact in at least 80% of federal institutions. If indeed some three years must elapse between adoption of the Act and the coming into force of the first regulations arising from it, how long will it be before all its provisions take full effect? Our 1988 Report was entitled "From Act to Action". This one bears the same title...with the addition of an all-important question mark. The promised renewal of bilingualism within the federal administration has yet to occur. We have in mind, in particular, the linguistic equality set out in the Act to ensure that members of the public are served in their preferred official language and that federal employees are free to use their language on the job in designated regions. We have also been waiting a long time for improvements in the participation rates of English- and French-speaking Canadians in certain regions and in some job categories in federal institutions. How can one justify such unacceptable delays? We must have the courage to carry through without fear of negative reaction. After all, we are not launching a revolution!

Among the exceptions to the rule, we can take comfort from the fact that the funds allocated to official languages programs have suffered relatively less from budget cuts than others. We also note that, while much remains to be done, the Department of the Secretary of State has pursued its 1988 thrust. The impact of this renewal program has begun to be felt in different areas, thanks to agreements concluded with the provinces and other initiatives. Achievement of its 1990 plans in the information field would be a welcome contribution. The Treasury Board Secretariat spared no effort in drafting the first of the regulations under the Act and in accelerating the negotiation of letters of understanding with certain federal institutions. There was a modest improvement, too, in the active offer of bilingual services, at least in the written form, and Francophone participation in the federal Public Service in New Brunswick improved substantially. In addition, the possibility of court remedy under the Act appears to have had a most salutary impact on the resolution of our complaint files. A 1989 analysis of a sample of 383 files reveals that, since the new Act came into force, the rate of

settlement following infractions has risen from 50% to 74%. Lastly, some federal institutions demonstrated good will toward their clients.

For the rest, the federal scene was disappointing. In fact things moved at a tortoise's pace, particularly for service to the public, which is the principal benchmark. The Privy Council Office, whose reach is long, seems hardly to have given the hoped-for timely nudge. If we use as our barometer the action taken on the blueprint proposed in our 1988 Annual Report, the substance of which was not challenged officially, the pressure is low. The information disseminated on the new Act, both within and outside Government, has been very meagre. It clearly suffered from a lack of co-ordination and did nothing to counter the misinformation shamelessly propagated by certain groups and individuals. Unable to submit the first draft regulations provided for in the Act — which, to be sure, did not lend themselves to improvisation — the Treasury Board Secretariat, dismissing the idea of issuing temporary or permanent directives, as appropriate, left a cloud of uncertainty hanging over the immediate obligations of departments. The situation was worse still in the case of Crown corporations, which have received no precise directives since the early 1980s. This is very serious for those concerned more with results than with systems. If indeed an action plan exists for the drafting of the entire set of regulations provided for in the Act, we have not seen it.

While waiting for Godot or his bureaucratic cousin, the overall performance of federal institutions in language matters has marked time, or has even regressed if we consider the increase in the number of complaints. The active offer of bilingual services, now a formal obligation where warranted, has not been extended satisfactorily to service in person or by telephone. The letters of understanding concluded with a number of federal institutions still affect only a small proportion of the Public Service and none of the employees of Crown corporations. In many cases, they exhibit major shortcomings in terms of control measures. The provisions of the Act concerning public safety and security, which are also mandatory, have thus far been addressed energetically only by Transport Canada; elsewhere, no action is in sight. Nothing has been done to ensure that they are brought to bear in the important area of labelling, despite the fluid situation created by the coming into force of the Free Trade Agreement. The Government's decision to deal on a case-by-case basis with the question of linguistic services following privatization of a corporation has often produced negative results, at least in the case of Canada Post and Air Canada affiliates. A very slight increase in Francophone participation in Public Service management positions did nothing to correct low Anglophone participation in the federal Public Service in Quebec — despite instructions from the Governor in Council. As for the National Capital Region, we are holding our breath. Read the Report and, as they say, catch all the news that's fit to print — and more.

Nation-wide, some improvement has taken place, but the overall climate has deteriorated. Progress has remained extremely slow in minority language instruction

in most provinces, even if several took major steps to improve services to their official language minority. Interesting prospects are developing, along with various problems, for the teaching of English and French as second languages.

Structure of this Report

In this Report we have kept the traditional five-part structure, followed by appendices on the Office of the Commissioner, census data, several statistical tables and an index. As we announced last year, our 1988 Report still stands as the basis for understanding the Official Languages Act and contains the full text of our proposed blueprint for action. Throughout this Report, we assess the degree to which Government has implemented that blueprint, which contained some 60 recommendations and which we will continue to use as a benchmark in the future. Our panorama of 1989 appears in Part I, Chapter 1, while Chapter 4 contains our evaluation of the role and activities of institutions responsible for directing, co-ordinating and monitoring implementation of the Act by all federal agencies. Lastly, this Report has the merit of being shorter than last year's.

D'I.F.
January 30, 1990

PART I

Panorama 89

1. Affairs of State: Hope Deferred

This chapter opens with a review of major national issues involving language duality. It then examines the performance of the federal government in implementing the Official Languages Act in federal institutions. This is followed by an overview of efforts to enhance the vitality of our minority communities and to foster the full recognition of English and French in Canadian society. The chapter closes with an assessment of action taken to implement the 60 recommendations made in the "Blueprint for Action" chapter of last year's Annual Report.

National issues

For the many Canadians who believe that language duality is one of our essential values, the going in 1989 was very rough. Those who were not engaged in soul-searching or in often heated debate about the true meaning and impact of the Meech Lake Accord were being called to the ramparts to defend our two-language regime from the assaults of its clamorous detractors. There was a deep sense of foreboding that our two language communities were not moving any closer to each other and might well be moving further apart. Is this anxiety an early sign of bilingualism burn-out? Have recent linguistic events driven many of our normally tolerant citizens to rethink their support, or worse, to renounce a long-cherished national dream?

The current climate

Several polls taken in 1989 give us the makings of an answer, at least for the time being. A majority of Canadians continue to believe that language duality is a positive feature of Canadian society. Naturally enough, the degree of commitment varies from region to region: it is relatively strong in the East and weaker in the West where Francophones are less numerous.

A nation-wide Gallup poll conducted in September asked citizens whether their province ought to recognize English and French as official languages in order to provide provincial services in both languages. The question, the same as one asked in a similar Gallup poll in 1987, is a strong one, proposing recognition of

English and French as official languages as a prerequisite to bilingual services. A softer question, merely asking about the provision of bilingual services without *official recognition*, might have elicited an even more positive response.

Table I.1

Responses of adult Canadians to the question: "Do you think that this province should have two official languages — English and French — so that government services are provided in both languages?"

	Yes %		No %		Don't know %	
	1989	1987	1989	1987	1989	1987
National	51	52	47	45	2	3
Atlantic	57	66	42	34	1	-
Quebec	65	73	32	23	2	4
Ontario	53	49	45	48	2	3
Prairies	38	33	60	63	3	4
British Columbia	26	29	72	70	2	2

Source: Gallup Poll

A majority of Canadians have not abandoned their support of language duality and minority rights. Clearly, this does not mean that the efforts of the federal government, several provincial governments and many local administrations to come to terms with the presence of English and French in their jurisdictions have generated some stress. Following is a partial list of the developments and hot issues discussed at greater length in other parts of this Report:

- In July 1988 Parliament adopted a new Official Languages Act to make good the constitutional guarantees contained in the Canadian Charter of Rights and Freedoms. However, at the end of 1989 the promised draft regulations under the Act relating to communications with and services to the public had yet to be tabled. On the first anniversary of the Act the Commissioner underscored the lethargy of the federal government in giving concrete effect to the rights guaranteed in the Act.

- Criminal Code provisions guaranteeing an accused or a witness the right to be heard before a judge (or before a judge and jury) who speaks his or her language came into effect in all provinces on January 1, 1990.

- Several federal-provincial agreements on the promotion of official languages were signed, including a framework agreement with Nova Scotia.

- In Alberta and Saskatchewan the after-effects of the Supreme Court decision in the Mercure case concerning the status of French as an official language at the provincial level seriously disturbed relations between the Francophone minorities and their provincial governments. The decision of these provinces to repeal certain historical rights still rankles in the heart of many a Francophone. Saskatchewan has striven to improve matters, in particular by guaranteeing more and better minority education. We hope that Alberta will follow the same path.

- Quebec, for complex reasons of linguistic insecurity, invoked the override clause in the Charter in December 1988 to pass Bill 178, dealing with signage. This action set off a storm of controversy that continued up to and beyond the provincial election in September. On the positive side, in May the Government of Quebec signed an agreement with the Government of Canada to speed implementation of Bill 142, which guarantees access to health and social services in English, part of a not insignificant array of services it provides in that language.

- After a three-year preparatory period Ontario's French Language Services Act came into effect on November 19. It guarantees provincial services in French in the legislature, at the headquarters of provincial institutions and to the province's French-speaking minority in 22 designated regions.

- In New Brunswick the provincial government took additional measures to give effect to its Official Languages Act. Also, Premier McKenna announced he was prepared to entrench in the Canadian Constitution the principles of Bill 88, which recognizes the equality of the two official language communities in the province.

- Several other provinces, Manitoba and Prince Edward Island chief among them, announced improvements in services in French.

While one or two of these developments are regrettable to say the least, the rest, we submit, are positive. Indeed, it is precisely because there has been an impressive series of positive language developments in 1989 and over the past 20 years that recent setbacks such as the language acts in Saskatchewan and Alberta and the signage law in Quebec seem so shocking. We continue to hope and urge that over time these wrongs will be righted. However, it is worth remembering that two decades ago any one of the current initiatives in favour of minority rights would have seemed impossible. It is also a sign of our growing maturity in language relations that reaction to these issues by and large was kept well within the confines of civilized debate or protest. Moreover, it should come as no surprise that even today the road of language duality, like the path of true love, seldom runs smooth.

Meech Lake Accord

Our continued support for the Meech Lake Accord centres on its recognition of our country-wide language duality as "a fundamental characteristic of Canada" and its inclusion of the concept of Quebec as "a distinct society". The Preliminary Report of the B and B Commission made the point forcefully 25 years ago:

> All these facts combine to give Quebec a leading role in promoting the French language and culture in Canada, whatever may be the political solution finally adopted. This conclusion is in the nature of things; it is not the outcome of ideology or some messianic notion. In this sense it is an obvious and incontrovertible fact that Quebec is not a province like the others....

The authors of the Report went on to declare:

> All that we have seen and heard has led us to the conviction that Canada is in the most critical period of its history since Confederation....

At the turn of the year, Robert Stanfield echoed those prophetic words: "I have never been more concerned about the future of my country," he said. He is not alone in believing the peril is imminent.

The argument that the "distinct society" clause is an *interpretative provision* recognizing an inescapable linguistic and cultural fact that has characterized Canada for two centuries seems to us logical and compelling. In our view, it confirms for the future a status that has existed all along in one form or another. Our reservations, first set out in our 1987 Annual Report, essentially have to do with the weakness of the role assigned to Parliament and the provincial legislatures, which are required merely to "preserve" our language duality rather than promote it. We do not believe the "distinct society" clause would give the Government of Quebec the power to abrogate basic rights. It is the override clause in the Canadian Charter of Rights and Freedoms which already gives every province that prerogative.

In last year's Report we formally recommended one way of resolving concerns about minority rights and advancing language duality in Canada. The federal government would propose to the provinces the adoption at one of the next constitutional conferences of a formula designed to support the development of the English and French linguistic minorities and to reduce the current imbalance in the status of these languages across Canada by extending services in the minority language. We believe such a formula would strengthen the "safety net" that the Charter and the 1988 Official Languages Act provide for language duality.

Communications

We would like to be able to report that Ottawa's political leaders and mandarins have taken to heart the Prime Minister's message that "language duality is the mortar that binds this country together." However, the 1988 Official Languages Act seems to have been one of the best kept secrets among most of the bureaucracy. In a year and a half we have seen few signs of any ongoing communications program to explain the philosophy and objectives of language reform in

general and the rights that the Official Languages Act proclaims and guarantees. We recommended such a program last year because we know that many Canadians have legitimate concerns that deserve an honest answer. We also know that the ways and means of language reform are fair and can be shown to be so through open dialogue.

More than one Member of Parliament has turned to the Commissioner this year for information and advice on language matters that the Government or his or her party should be the first to provide, given the unwavering support of the three federal parties for the 1988 Official Languages Act. Through various information products we have tried to do our fair share in communicating the Act's message of reform; we have also spread the good word and answered our detractors publicly in speeches and in the press. And, as we report later, the Department of the Secretary of State has also taken a number of worthwhile information initiatives. However, the Government as a whole should have done and should do much more — and it should do it soon. Strong leadership expressed in speeches, interviews and letters to the editor can go a long way in convincing Canadians of the importance of the new Act. The federal Government should also publish advertisements, brochures and other communications material to explain the Act to Canadians in the same imaginative way it has explained, for instance, the new Multiculturalism Act.

In addition to a lack of information, disinformation about the "facts" of language duality goes virtually unanswered. The introduction of inevitably complex regulations on bilingual communications and service may only add to the confusion. If there is not a massive effort to communicate more clearly the goals of language reform, particularly by the political leaders who voted for the Act, the trust of some of our citizens may well turn to doubt. The federal players in this area might do well to emulate some of their counterparts at the provincial level, notably in Ontario and New Brunswick, who have taken an active personal role in promoting language reform with credibility, conviction and courage. A "triple-C" commitment to information would have the effect of reminding top management that their efforts (or lack thereof) will not go unnoticed. Far more important, such leadership would inspire and motivate. It would galvanize the many Canadians who, 20 years ago, pledged themselves and their children to achieving greater linguistic understanding and equality.

If our national leaders wish to make this future come true, they must find ways of getting our fellow citizens of both language groups to talk about common goals and experience, to listen to one another again with frankness and goodwill.

Bilingualism and aboriginal languages

The Northwest Territories' Official Languages Act makes English and French the official languages of the Territories as well as recognizing seven official aboriginal languages. The considerable challenge of providing government services in nine languages is one which those of us familiar with the difficulties of providing services in only two can well appreciate. In recognition of this fact,

the federal government has agreed to provide funding for the implementation of French-language services and negotiations are underway regarding additional funding for the implementation of aboriginal language services. The Act was adopted in 1984 and amended in 1986 to extend the period before the French-language services provisions come into effect. These services are scheduled to begin at the end of 1990. However, similar aboriginal language services will apparently not be available by that time. Some members of the Territorial Assembly have suggested that the Territorial Government delay implementation of French-language services because in their view it would be inappropriate to proceed before similar services are offered in the aboriginal languages. Any delay in the implementation date would, however, require the consent of Parliament and would give rise to legitimate objections from Francophones. We are very sympathetic to recognition of the language rights of the aboriginal peoples in the Territories; however, it should be recognized that the problems raised by their implementation are different and more complex. They should not be an obstacle to realizing the already long-delayed promise of services in French. The Territorial Government has yet to indicate whether it intends to ask for a delay, preferring instead to await the results of negotiations with federal authorities.

Bilingualism and multiculturalism

Preparations are under way, following the adoption of the Multiculturalism Act in 1988, to establish a new department of multiculturalism and citizenship. The Minister of State responsible for the Act is expected to table a first annual report on implementation in February 1990. A Bill creating a Canadian Heritage Languages Institute was tabled in the House of Commons in September 1989. The purpose of the Institute will be to facilitate throughout Canada the acquisition, retention and use of heritage languages.

All these initiatives are promising, but unfortunately their purpose is not always well understood. In light of continued and sometimes aggressive press commentary in some regions on the relationship between multiculturalism and Canadian identity we regret that more has not been done to give effect to our recommendation about greater harmonization of federal policies on official languages and multiculturalism. For example, the creation of the Canadian Heritage Languages Institute provides an ideal opportunity to encourage dialogue on the relationship between heritage languages and our official languages. Unfortunately, the draft Bill did not contain a specific reference to these communications needs. We drew the attention of the Secretary of State's Department to this omission while it still could be put right.

Several minority language and multicultural associations are well aware of the need for dialogue and have taken initiatives to draw their respective communities closer. The Fédération des francophones hors Québec, for example, commissioned a national study on interactions between multicultural groups and Francophones outside Quebec. The Association canadienne-française de l'Alberta is developing its own multiculturalism policy. The Association multiculturelle

francophone de l'Ontario, a Francophone multicultural group founded in 1988, has been lobbying hard to defend the educational and social interests of the people it represents. The Fédération des groupes ethniques du Québec Inc. has been playing a similar role since 1972. Efforts to find common ground are becoming a key policy issue with many multicultural groups. The reason was put simply and eloquently by the Multicultural Communications Foundation in the October issue of its monthly publication, *Prairie Link*: "If we cannot be a bilingual country, how then can we hope to be a multicultural one?" This is the clear message we would like to see the federal government deliver in more forceful terms.

The Canadian School Trustees Association has underscored a serious and growing problem that requires greater attention — the teaching of an official language to immigrants and refugees and their children. The difficulties of integrating these children in school systems already hard-pressed for resources are not inconsiderable. There is also the larger issue of how these children (and, especially, immigrant women who do not have adequate access to language training) will fit into Canadian society. Their failure to acquire an adequate knowledge of English or French can have dire consequences, not only for them but for our society as a whole.

Broadcasting

With the exception of minority language community radio, which continued to expand, there were few new developments in broadcasting. A slightly revised Broadcasting Bill (Bill C-40) was reintroduced in the House on October 12 and in early November the Government announced it would give the CBC an extra $81 million over the next five years, thereby offsetting to some extent the $140 million in cuts announced in the April budget.

At the request of the CRTC, the CBC prepared an action-plan for improved radio services to Francophones outside Quebec, but at year's end the plan had not been unveiled. We had expected this year to see the CBC extend and improve service to official minority language communities and in particular to develop more local programming for these groups. We recognize, however, that implementation of our recommendation in this regard in last year's Report was contingent on additional funding. As matters now stand, the territorial capitals of Yellowknife and Whitehorse, among other areas, are less optimistic about the prospects of French-language broadcasting service in the near future.

The CBC's satellite-to-cable Newsworld channel was successfully launched but the first sketch of its Francophone sister ship was rejected by the CRTC. And, in spite of recent increases in the number of channels available to Canadian cable subscribers, the number devoted to minority official language services remains distressingly small in many areas. The international French-language service, TV5, is being carried by an increasing number of cable companies, but many cable systems still carry only one French-language television service — the French CBC.

Although the Standing Committee on Elections, Privileges, Procedure and Private Members' Business examined, among other things, the question of better access to the Parliamentary channel, there has been no noticeable improvement in the access by minority communities to televised House of Commons debates in their language.

The CRTC, as a regulatory authority, has a rather laid-back attitude when it comes to cable services offered to our official language minorities. It gives cable companies a fair amount of discretion in deciding what they should transmit in the minority official language. However, the confidence of the CRTC in self-regulation apparently does have limits. At year's end it was re-examining its minimum requirements for French-language music on French radio stations.

Canadian identity

When he appeared before the House of Commons Committee on Communications and Culture, Patrick Watson, the new Chairman of the Board of the CBC, was eloquent about the need for our national broadcasting service to do a better job of teaching Canadians about each other: "...we have to try to be inventive in finding ways to bring all our people together. It is not just language barriers. It is regional obstacles, obstacles of sensibility, obstacles of geography. All I can say to you is it has always been the policy of the CBC to tackle these things. We have to keep on growing and doing them better and finding the resources to do them better." To this we can only say "Amen".

When we recommended last year that measures be adopted to support the efforts of cultural agencies to protect and promote the identity and the linguistic and cultural integrity of Canada, we underscored the need to reassert "our commitment to the linguistic and cultural values that draw us together as Canadians" in a period of rapid social and economic change. We are pleased to see that this message, delivered from many quarters, is not going entirely unheeded. The creation of a Cabinet Committee on Cultural Affairs and National Identity was a good omen; as yet, however, it is by no means clear what it has accomplished or what its prospects are. We hope this new Committee will be the necessary spark for a renewed effort (and additional resources) to protect and promote the variety and distinctiveness of our national heritage. If we cannot find the means of defining common values and goals as a country, we may well wind up in the dustbin of history.

Free trade

The Canada-United States trade agreement was enacted into law a year ago. We alluded last year to Canadian bilingual packaging and labelling requirements in that context. Unlike Quebec's regulations[1], federal regulations are rather minimal,

[1] Quebec's requirements relating to packaging or labelling, set out in regulations under the Charter of the French Language, are more detailed: generally speaking, every inscription on a product, on its container or its wrapping, as well as accompanying leaflets, brochures, directions and warranties, must be at least in French.

generally requiring only that product identity, ingredients, cautionary statements and country of origin be bilingual. They contain numerous exceptions for specialty products. To answer the needs of their clients and to conform to Quebec's more stringent rules while complying with federal requirements, Canadian manufacturers go well beyond this minimum.

Echoing our concerns, in July the Grocery Products Manufacturers of Canada raised a hue and cry against a number of American producers who allegedly did not respect federal bilingual labelling requirements. In response, the federal government indicated that it would improve controls and inspection, although it is somewhat hard-pressed for resources to do so. In any event, for the time being it seems unlikely that American manufacturers will always meet or go much beyond the minimum requirements unless consumers and the federal government blow the whistle on them. We also believe that federal packaging and labelling requirements should be reviewed in light of Section 26 of the Official Languages Act dealing with regulatory activities relating to the health, safety and security of the public. (See Introduction to Part II for more details.)

In 1987 the Conseil de la langue française sounded a cautionary note in its report to the Quebec government on free trade and the French language, "Le libre-échange Canada-États-Unis et la langue française au Québec". The report went so far as to recommend that concern about language always be brought to the fore when consultations or decisions on free trade were being made. This report gave rise to some exchanges in the National Assembly but does not seem to have led to the formulation of any specific measures.

We learned in mid-year that the only language-related issue raised in federal-provincial consultations on the implementation of free trade arrangements concerned the language in which examinations would be conducted to establish mutual recognition of professional standards for Canadian and U.S. architects. The issue was said to be resolved.

While the Free Trade Management Bureau of the Department of External Affairs continues to keep a close watch on the evolution of the market place, we have seen little direct action on our recommendation about ongoing impact studies, in co-operation with the Government of Quebec, on the effect of free trade arrangements. It is felt that the existing practice of monitoring is sufficient. We believe greater vigilance is required.

Standing Joint Committee on Official Languages

The Standing Joint Committee on Official Languages got off to a late start in 1989. Its first witness was the Commissioner, who appeared at the end of June to present his 1988 Annual Report and again after the summer recess to continue this examination and to answer questions on his Office's budget. The Committee then devoted three meetings to reviewing 1991 census questions on official languages. In December the Committee called the Minister of Transport, Benoît Bouchard, and the Minister of National Defence, William McKnight, as witnesses

to review the performance of their respective departments. At year's end the Committee was making plans to examine draft regulations on communications and services expected early in the new year. The Committee will no doubt also actively pursue simultaneously its main mandate, that of reviewing implementation of the Act in federal institutions. (A fuller account of the Committee's activities appears in Chapter 3 of this Part.)

Federal performance

Although all federal institutions are important players in implementing the Official Languages Act, they rely heavily on the Treasury Board Secretariat and the Department of the Secretary of State for leadership and clear guidance. Indeed, the Act carefully spells out the duties of these team captains. As illustrated in Part III of this report, an analysis of the ratings assigned shows that in at least 80% of federal institutions, the 1988 Official Languages Act has had little impact. What follows is our general assessment of how captains and players discharged their official languages duties. The gory details are found in the other parts of this report.

Treasury Board Secretariat

The Treasury Board Secretariat was engaged most of the year in preparing draft regulations on communications and services. It also continued to implement its program on active offer; spelled out a policy on the use of English and French at popular events of national and international significance; and signed more letters of understanding with federal institutions, thereby ensuring improved accountability in language matters. Finally, on December 20, it tabled its first annual report to Parliament on the status of official languages programs in federal institutions. This rosy report, which covers the fiscal year 1988-89, describes in detail several of the above-mentioned initiatives. Unfortunately, most of them had little effect on institutional performance in the front lines, where service is often inadequate. Our audits, as well as the complaints we receive, suggest that a significant number of departments and Crown corporations remain ill-equipped in terms of policy and planning to meet the challenges set out in the new Act.

On September 15, 1989, the first anniversary of the proclamation of the Act, the Commissioner condemned in a news release the wait-and-see attitude of many federal institutions. They had greeted the new law with bureaucratic aplomb — and few hurrahs. Certainly they did very little with it, having decoded the Treasury Board Secretariat's preoccupation with formulating regulations as an invitation to lie low. Meanwhile, the number of complaints received by our Office rose by 25%. The message is clear.

Need for guidelines and results of passivity

Our expectation had been that the proclamation of the Act in September 1988 would have served to jump-start the process of policy review. We knew that the drafting and preliminary consultations on regulations on communications and services, language of work and participation would take some time but we had every reason to believe that work on all of them would be initiated without inordinate delay. We have seen no such strategy in action. We had believed that the

Treasury Board Secretariat in the meantime would feel compelled to issue specific instructions to federal institutions regarding major changes and elements of the Act that did not require regulations. Instead, what federal institutions received was a "bare bones" explanation provided in two short documents: a brochure for public servants entitled "The Official Languages Act and You" and a chapter in the "Manager's Deskbook". A short letter from the Secretary of the Treasury Board advised federal institutions of proclamation of the Act and stated that "current government policies will remain in effect until they are superseded by new directives or regulations ...." The letter went on to say that given the elaborate process set out in the Act for the development and issuing of regulations, it would likely take "several months before they come into force". This calendar has since proven to be wildly optimistic.

Policies and directives are the meat and potatoes of federal institutions, which seldom derive much nourishment from the caviar of statutory prescriptions. It is not difficult in this regard to understand the paralysis of institutions confronted with a new Act on the one hand and, on the other, an accretion of policies that cover a span of 12 years. These texts contain a confusing mixture of policy elements some of which, in the present context, may be too vague to be helpful or may even be plainly in contravention of the spirit and the letter of the new Act. That is why the second of the 60 recommendations in the proposed master plan in our 1988 Annual Report underscored the need to prepare guidelines on implementation of the Act. Indeed, almost all the policy issues addressed here were covered in that same plan. Some of the key areas on which more specific guidance should have been given at least in the first year following adoption of the Act and should be given now include:

- clear instructions on active offer;
- clearer operational guidance on communications and services from offices identified in existing policies;
- clear guidelines on the use of minority media;
- precise instructions on the exercise of language of work rights;
- criteria for establishing "objectively" the language requirements for positions being staffed (Section 91 of the Act);
- procedures to ensure that regulatory agencies fulfil their obligation to consider the language dimension in regulations affecting the health, safety and security of the public (Section 26 of the Act);
- clear definition of the respective roles of federal institutions and the Secretary of State's Department in advancing English and French in Canadian society.

While not exhaustive, this list suggests some areas that are immediately amenable to practical improvements. User-friendly policy instructions in support of the new Act could do the program a great deal of good by introducing greater coherence and much needed consistency, especially in the delivery of service.

We hold that the lack of such updated guidelines and directives is principally responsible for the tortoise-like pace — or in blunter terms, the lost year — in getting things moving after so many years of neglect. Our complaints starkly reveal that the requirement of a more active offer of bilingual service, one of the cornerstone provisions of the new Act, is more honoured in the breach than in the observance and that no worthwhile corrective action has been contemplated, much less undertaken. Our smaller official language minorities continue to be shortchanged when it comes to service. Also, the minority media are not used systematically to inform Francophones outside Quebec of government programs and services. A recent survey conducted by our Office revealed that public servants in bilingual offices greeted their clients in person in both languages only 14% of the time. Bilingual greetings are essential if the public is to know that services are available in English and French. How can such flagrant disregard for a fundamental provision of the Act be allowed to continue? Clear directives should be issued soon.

Our assessment of the use of English and French as languages of work is that there has been no significant progress. French is under-used in the National Capital Region, in other bilingual language of work regions outside Quebec, and at the headquarters of some Crown corporations even in Montreal. Use of French in scientific and technical fields is pitifully low. On the other hand, the use of English is not what it should be in many federal offices in Quebec. All this, of course, is not news. We had hoped that the adoption of a new Act would encourage fresh attempts to turn the situation around, but the Treasury Board Secretariat has yet to write a line of policy for new directives spelling out the steps needed to achieve a more equitable language of work regime.

The same near inertia seems to have applied to the Government of Canada's commitment to equal opportunities and equitable participation in the workforce of federal institutions. There has been little change in the sectoral imbalances we have described year after year, notably with regard to Anglophone participation in Quebec and in the support category in the NCR, and Francophone participation in the Management and Scientific and Professional categories. Also, we have seen no sign of any new efforts in this regard. While some of these problems have been studied by the Public Service Commission and Treasury Board, we are, for the time being at least, no closer to solutions.

Regulations

We were waiting with growing impatience in December for the President of the Treasury Board to table regulations under the Official Languages Act relating to communications with and services to the public. He had promised Parliament

these would be tabled "well before" year's end. Their purpose is to define what is meant by "significant demand" and by "nature of the office" in the Act. Draft regulations, we are told, will now be presented to Parliament early in the new year and there may well be a delay of another year before they come fully into force. Given the time that will have elapsed between adoption of the Act and approval of the regulations, any further delay in giving effect to these provisions would be unconscionable. A phase-in period should be tolerated only where preparatory work is absolutely essential.

Regulations on language of work, promised for next year, are eagerly awaited by federal employees as additional proof of the Government's commitment to achieve equality of opportunity. Anglophone and Francophone employees alike want French without tears. Most sincerely want to contribute to an equitable use of English and French on the job, if only they can know the rules and see them applied with fairness and understanding. We sympathize. The Treasury Board Secretariat has commissioned a study on elements conducive to a favourable language of work environment: results are expected early in 1990. We hope that they will enable the Board to move on this issue. It is high time that the basic principles relating to oral and written communications in existing and future bilingual language of work regions were codified and promoted.

The parameters of equitable participation should also be spelled out in regulations. What is an "English-speaking Canadian" and a "French-speaking Canadian" as the terms are used in the Act? How is this decision made? Can it be changed over time? In what ways do mandate, location and clientele influence the statutory requirement to "reflect the presence of both official language communities in Canada"? How are these communities defined? What specific action is permissible to redress imbalances? When these questions are answered we may be a little bit closer to solving some of the more blatant regional and sectoral imbalances we have inveighed against year after year. The federal Government must face this challenge squarely, confident in the knowledge that the scales of linguistic justice are not weighted in anyone's favour.

The Act also contains a number of other regulatory issues of lesser importance which nevertheless merit attention. For example, the Governor in Council should use the power conferred in Section 33 of the Act "to foster actively communications with and services from offices of facilities of federal institutions" to regulate and promote new initiatives in service delivery for the minority: one-stop service centres, interactive communications systems, automated tellers, etc. The Office of Privatization and Regulatory Affairs should revise the federal regulatory policy and process to ensure that languages obligations relating to health, safety and security are spelled out and formally addressed in all Regulatory Impact Analyses Statements prepared by federal regulatory authorities. In concordance with Section 17 of the Act, the Supreme Court, the Federal Court and the Tax Court should review their rules of procedure with respect to language

and the Governor in Council should make rules of procedure for other federal tribunals. But, first and foremost, the Treasury Board Secretariat should develop a strategic plan on the implementation of these various elements of the Act, known to all interested parties, setting out what it hopes to accomplish and by when. This type of commitment would send a clear signal to all government institutions that the process of language reform has been launched in earnest. Indeed, one of the effects of regulatory requirements and revised policies and directives will be to provide a degree of institutional accountability that goes well beyond the present regime of letters of understanding, progress reports and occasional Treasury Board audits. No bureaucrat relishes the thought of appearing before the Federal Court to face an accusation about failure to meet the requirements of the Act in spite of clearly set-out policy guidelines. The buck will stop on the deputy head's desk. This possibility may in itself give added impetus to the development of internal audit and monitoring procedures as all players in the system come to realize more clearly that the rights under the Act are enforceable.

Privatization

We touched briefly last year on the question of privatization, recommending that the federal government conduct ongoing studies of its impact on the provision of bilingual services and the continuance of existing linguistic obligations. The federal government now examines the official languages aspects of this activity on a case-by-case basis. The latest candidates for lease or the auction block may be a number of airports. The question of a commitment on the part of new lessees or owners of airports to continue to ensure the provision of bilingual services appears to be addressed seriously. While the Department of Transport has not yet decided what the scope of the language obligations should be or how they might best be imposed, we take comfort in the fact that the process clearly calls for serious examination of language requirements.

In the case of Air Canada the relevant privatization act carried over all the obligations of the Official Languages Act. However, with the deregulation of airlines following the coming into force of the National Transportation Act on January 1, 1988, Air Canada, like Canadian Airlines International, entered into numerous and sometimes complicated arrangements with regional carrier networks to enhance service and, presumably, profits. Air Canada also owns a significant portion of Air BC, Air Ontario and Air Nova. The services provided by these connectors are often closely associated with Air Canada's in the mind of the public and our Office continues to receive complaints about the lack of services in French from some of these carriers. We believe that Air Canada should actively encourage its partners to match its efforts and promote its bilingual image by providing bilingual service. For our part, we are examining to what extent some connector services can be said to be provided on behalf of Air Canada under Section 25 of the Official Languages Act.

Although the federal government has given no formal commitment to privatize the Canada Post Corporation, there has been widespread speculation on this

issue. The question was examined in the fall by the Standing Committee on Consumer and Corporate Affairs and Government Operations, which reviewed various options. Canada Post is already heavily engaged in privatizing or franchising counter operations; at last count one-third of all postal outlets were operated under contract by the private sector. A standard clause in contracts ensures that such services are made available in both official languages where deemed necessary. And therein lies the rub. Our complaints about such outlets rose by 200% in 1989. Our Office is working closely with the Corporation to resolve these difficulties. However, our experience thus far with this and other processes for ensuring the continuation of language rights and obligations suggests a need for more careful planning and more detailed impact studies of the linguistic consequences of such actions. It is easy to imagine what effect the privatization of Petro-Canada might have on the use of English and French as official languages and how important it would be in this regard to protect acquired rights.

Secretary of State's Department

On December 7 the Secretary of State tabled his first annual report to Parliament on his mandate with regard to official languages. The report covering the 1988-89 fiscal year provides details on an impressive variety of initiatives and suggests that more and better information on language programs is in the works.

The current year looks to be less frantic but nonetheless active for the Secretary of State's Department. It followed up on the signature of a federal-provincial Protocol on Official Languages in Education by concluding agreements with all the provinces and territories on minority language education and second-language instruction. The priority areas outlined in the Protocol (improved access to minority language education, expanded services in French at the post-secondary level, teacher training and second-language instruction) should lead to improvements in educational opportunities for both language groups.

The Department also negotiated a variety of auxiliary or specific agreements with Newfoundland, New Brunswick, Quebec, Manitoba, British Columbia, the Yukon and the Northwest Territories on services or minority community development. Finally, in December it signed a framework official languages agreement with Nova Scotia. Now that many worthwhile projects have been launched, we expect the Department to find more time to consider means by which it might evaluate more systematically the impact of these initiatives, as we recommended last year. We understand that a formal review will not be conducted until 1992 but we believe that an interim assessment of some of the more dynamic projects, such as combined minority school and community centres, should be undertaken sooner.

We were disappointed by the Department's performance in fostering the recognition and use of English and French among the business community and labour and voluntary organizations. Certainly, there have not been many visible signs of follow-up on the recommendations of the Colloquium on the Private Sector held in October 1988. We hope that the Department will turn its attention to this matter soon.

We mentioned earlier our assessment of the Department's current communications efforts. It is at last gearing up — 15 months after proclamation of the Act — to spread the good news, but we cannot help feeling that the scope of current efforts is still too modest. Moreover, these efforts cannot be shouldered solely by one or two institutions. They must involve all our government leaders. We must get back to basics and strengthen or renew the confidence of Canadians in language reform. Many of the language issues that divide Canadians are fundamentally problems of perception. They must be met head-on by information programs that present facts and answer criticism in simple language. Such programs, promoted by federal ministers, Members of Parliament and senior officials, should give our citizens a sense of perspective. Their innate goodwill and sense of fairness will do the rest.

Canadian Council on Official Languages

The creation of a Canadian Council on Official Languages was first proposed by the Secretary of State on June 25, 1987, when the Bill for the new Official Languages Act was first tabled. Its role, which apparently would be to advise Government on the promotion of the official languages, is not a specific requirement of the Act. It nevertheless can be justified under Section 43 (2) which reads:

> The Secretary of State of Canada shall take such measures as he considers appropriate to ensure public consultation in the development of policies and review of programs relating to the advancement of the equality of status and use of English and French in Canadian society.

Presumably, the advice provided by the appointed members of the Council would contribute to this process of public consultation. We initially greeted this news with cautious optimism. However, upon further reflection we have come to wonder in what ways this new player would prove useful in an already crowded field. Would it not duplicate the work of existing national and provincial minority associations and numerous other organizations such as Canadian Parents for French and the Commission nationale des parents francophones, which play an important advocacy role in official languages? The Standing Joint Committee and this Office also play active roles in advising Government on various aspects of official languages policy. This is not to say that an advisory council might not provide useful advice — for instance, on how our two official languages might be fostered in Canadian society as a whole. In the circumstances, however, the wisest course to follow might be to have the Standing Joint Committee, on its own or with the assistance of witnesses, examine proposals on the mandate, composition, structure, *modus operandi* and funding of the proposed Council to determine whether this additional mechanism would in fact fulfil a useful purpose.

Expenditures on official languages

For more than 10 years, we have presented a comprehensive breakdown of expenditures on official languages programs, as provided by Treasury Board Secretariat (see Appendix C.1, p. 254). An analysis of these figures over the

period 1978-79 to 1988-89 reveals that real expenditure for these programs, in constant dollars, declined over 38%. In 1989-90 the total estimated expenditure is $626 million. This represents about half a cent of every federal dollar spent. Almost half is money the federal government turns over to the provincial governments to assist in minority language education and the teaching of English and French as second languages. This money provided at the behest of the provinces helps to meet some of the costs of a type of training that is or should be a normal feature of any contemporary Canadian school system. It represents well under one % of what Canada will spend on education this year. Is it too much? Many would argue that it is not nearly enough, that more money is needed to provide minority children with better access to education in their language and that additional funds are essential to provide better second-language instruction. Language training is an investment in our future as a major industrialized country. Few would suggest that it is a calamitous waste. Indeed, many would argue that the decline of federal expenditures in constant dollars in this area has forced the provinces to shoulder a larger financial load in a period of diminishing resources.

It costs about one-third of a cent included in the one-half a cent mentioned earlier per federal dollar spent to ensure that federal services are provided in both official languages where there is a significant demand. Implementing the 1988 Official Languages Act to provide better and broader service in both languages should not increase expenditures significantly given the possibility of transfers within existing programs in certain areas. Our position is that this is worth doing and that the benefits clearly outweigh the costs.

Section 109 authorizes the President of Treasury Board to make payments to Crown corporations over four years to assist them in the timely implementation of the 1988 Official Languages Act. So far, 12 submissions have been approved for a total of $5 million. The submissions dealt chiefly with expenditures related to language training, computerized systems and translation.

For almost a decade we have been calling on the Treasury Board to seriously overhaul the bilingualism bonus program, which in 1989-90 will cost $44.5 million. The money saved by gradual and selective elimination of the bonus might offset in part or in full the cost of improving the quality of federal services provided to minority communities.

Minority development and promotion of official languages

As we suggested earlier, there were signs of progress, sometimes legislated, sometimes in the form of new policies, on the language front in most provinces in 1989. In November Ontario proclaimed its French Language Services Act. New Brunswick clarified its language policy and moved to improve government services in French while announcing welcome initiatives "to help create greater dialogue and understanding between the two linguistic communities." Both

Prince Edward Island and Manitoba announced improvement in French-language services. Saskatchewan took steps to implement a system of governance for minority schools. New Francophone schools or classes were established in several provinces. The Francophones of Vancouver, with the help of the local, provincial and federal governments, were able to purchase a building to house a new community centre, La Maison de la Francophonie. These are but the most significant efforts made to improve the lot of minority official language communities. Meanwhile, these communities and their associations are increasingly coming to the realization that their survival and growth will depend on their capacity to develop and control the social and economic institutions that serve them. We would not want to gloss over the severity of the problems. They are still acute in most provinces. However, the general picture is one of slow but constant progress and gradual recognition of rights.

In Quebec the rift created between the English-speaking and French-speaking communities by the adoption of Bill 178 on signage continued into the provincial election and beyond. When the Equality Party took four ridings Anglophones delivered a forceful message about their anger and frustration. Both communities now face the difficult task of coming to terms with this discontent. Quebec Francophones must ponder the price of the loss of a significant measure of good will among English-speakers in Quebec and Canada. Anglophones in Quebec must find new means of defending and promoting community values in a language climate that is emotionally charged.

In the heat of the debate of Bill 178 a positive move by the Government of Quebec went virtually unnoticed outside the province. In May 1989 the governments of Quebec and Canada signed a five-year $1.1 million agreement. Its purpose is to improve access to health and social services in English and foster greater community participation in the implementation of Quebec's Bill 142, which guarantees access to health and social services in English. Quebec also increased funding to Anglophone universities and colleges and took steps to improve the teaching of English and French as second languages. In November Claude Ryan, the minister responsible for Quebec's language legislation, consulted public sector officials in the Outaouais region about the possibility of improving services to local Anglophones.

No sooner had Mr. Ryan initiated his consultation than local defenders of the French language raised the shibboleth that the Official Languages Act was being used to anglicize a region of Quebec which already has a weak linguistic ecology. However, people with any sense of history will recognize that federal language policies over the past 20 years, for all their warts, have substantially assisted the advancement of French in Quebec and elsewhere. The Commissioner devoted a speech to this theme in Quebec City in December. We do not believe that providing a modicum of services to minorities in their own language will transform the linguistic landscape of any province. Although, by and large,

services in English in Quebec are not unsatisfactory, moves to maintain and improve their quality and delivery where necessary may prove a useful building block in restoring relations with the province's English-speaking community.

We recommended last year that the federal government propose to the provinces the adoption, at a future constitutional conference, of a formula to support our linguistic minorities by extending services in their language. Our sense of the progress being made in the provinces and territories in this regard suggests that our call for a common denominator of essential services is far from being a pipe dream. While we hold no particular brief for this or that solution, we believe more could be done to examine existing systems, establish inventories of bilingual resources and develop workable and economical models for the provision of essential services in the minority official language. Quebec, New Brunswick, and, more recently, Ontario, have led the way and no doubt could lend assistance in devising service delivery systems in provinces that are less advanced in this respect.

Minority language educational rights

Since the adoption in 1982 of the Canadian Charter of Rights and Freedoms, which guarantees educational rights for Canada's official language minorities, we have been underscoring the need for action to meet minority demands. In many parts of the country the illiteracy rate among Francophones is much higher than among Anglophones. Progress has been achieved in several provinces, particularly Quebec, New Brunswick and Ontario. There have also been several court rulings clarifying these rights and more are expected, notably in Manitoba where the provincial Court of Appeal must give an advisory opinion on a reference by that province. In 1990 the Supreme Court of Canada will rule for the first time on the scope and meaning of Section 23 of the Charter in the Mahé case concerning French-language education in Alberta. Saskatchewan earned praise this year for taking the high road in seeking to establish a minority schooling policy which is fair and comprehensive in its approach. In Sydney, Nova Scotia, French-language classes have at last been established. In other provinces initiatives or court actions are afoot to develop or sustain schools and, where numbers warrant, to allow for governance.

In 1990 we hope to publish the results of a comprehensive study on the implementation of Section 23 throughout Canada. Although progress is still patchy and very slow, we continue to hope for less confrontation and more co-operation in the quest for imaginative solutions. There are growing signs that formerly recalcitrant provinces are willing to develop, in consultation with minority groups, policies and workable plans to ensure full respect of their rights. Certainly, groups such as the Commission nationale des parents francophones, Canadian Parents for French and the Société pour la promotion de l'enseignement de l'anglais langue seconde have been building bridges of understanding between our official languages communities. Dare we hope that, by the time we celebrate the 10th anniversary of the Charter, every province in Canada will have

legislation and policies in place to give full effect to minority language instruction rights? The countdown has begun.

Second-language instruction

One of the abiding values shared by English-speaking and French-speaking Canadians is the desire that their children should learn their second official language. A Gallup poll released in December 1989 showed that more than one-half of Canadians believe that French as a second language should be a compulsory subject in school. These figures have changed little over the last 15 years. In Quebec 81% of those surveyed thought that English as a second language should be compulsory. The motivation of parents is both idealistic and practical: they know that bilingualism is not a passing fad and they want their children to share in the achievements of Canada in the future. These legitimate demands for better second-language instruction have, in some instances, put great strain on the educational system.

Francophone parents both inside and outside Quebec have had to struggle with conflicting desires. They want to protect and enhance the teaching of French as a mother tongue in the largely English-speaking North American environment while ensuring that their children have ample opportunities to develop their skills in English.

Among Anglophones calls for greater access to various immersion programs and better standard and enriched core programs have brought to the fore the growing problems of teacher training and teacher shortages.

There is also a growing interest in other key issues: second-language proficiency, skill retention, exchange programs and the availability and use of second-language skills in various job markets. Success, it seems, breeds its own problems. School boards, provincial ministries of education and the federal government will no doubt have to invest more resources in the future not only on qualitative issues but in research on the transition from second-language instruction to the use of second-language skills in Canadian society.

National Capital Region

Last year we also proposed that a mechanism be established to bring together parties interested in promoting official languages in the National Capital Region under the auspices of the Department of the Secretary of State or the National Capital Commission and also that federal-provincial agreements be drawn up to recognize the linguistic duality and reinforce the bilingual character of the Region. The Secretary of State, the Chairman of the National Capital Commission and provincial leaders were examining these issues at year's end. We hope their discussions will lead to practical steps in the near future.

Some progress was achieved in other ways. Most notably, both Ontario and Quebec took steps to advance post-secondary education among minority

communities. Ontario established the "Cité collégiale", a French community college. Quebec provided a capital grant for the expansion of the English Heritage College, which celebrates its 20th anniversary this year and its first as a fully autonomous institution, the seventh such English-language college in the province. Then, too, both provinces acted to improve the availability of health and social services in the minority language. Finally, despite an attempt by three aldermen to do away with its committee on official languages, Ottawa re-affirmed its determination to expand French-language municipal services, while Hull announced that it would begin listing its municipal services in English as well as French in the telephone directory.

The linguistic progress achieved by citizens of the Region is remarkable. They have become much more bilingual. A study of 1986 and earlier census data by Brian Harrison of Statistics Canada reveals that no less than 42% of all Region residents can speak English and French (self-evaluations), an increase of 10 percentage points or 150,000 people since 1971. While a majority of Francophones in the Region have spoken the two languages for a long time, recently Anglophones have dramatically improved their linguistic skills. In 1986 there were almost three times as many bilingual Anglophones in the Region as in 1971 (122,000 compared to 47,000), representing no less than 26.7% of all English-speaking people, compared to only 13.8% 15 years before. The increase is most marked among the young. Almost half of all Anglophone children between the ages of 10 and 19 could speak French. In the National Capital last year no less than 30,000 English-speaking children were enrolled in French immersion programs. The possibilities for improved communications and understanding are exciting indeed and may prefigure better linguistic times in the Region and perhaps the country as a whole.

Blueprint for Action: Follow-up, year one

"Advice," said the Earl of Chesterfield, "is seldom welcome, and those who want it most always like it least." One of the chief features of our Annual Report last year was a master plan or blueprint for a revitalized official languages program, with 60 recommendations to move from Act to action. The Government's reaction to it seemed to indicate that it wished to move ahead with reform in virtually all of the areas we outlined. We report on what happened throughout the present Report and propose to do so in the future. We hope that 1990 will at long last be the year of renewal on all fronts.

The recommendations presented in Part VI of our 1988 Report are summarized here along with a brief indication of how much has been done. The news on a majority of our recommendations by and large is not great, but there have been some gains. Leadership by all the main players has not been consistent enough to move the program forward at a satisfactory pace.

Recommendations	Status
I. FOUNDATIONS OF A MASTER PLAN	
Early adoption of regulations under the Act.	Draft regulations on communications and services promised for early 1990.
Guidelines on implementation of the Act.	Not implemented.
On-going communications program.	At early stages of implementation.
Adequate resources.	Generally implemented.
Appropriate studies in all relevant areas.	Partially implemented.
On-going studies on the impact of privatization.	Being implemented.
Impact studies on the effects of free trade arrangements on French language and culture in Canada.	No studies. Monitoring taking place.
Effort to promote the identity and linguistic and cultural integrity of Canada.	Few initiatives.
Harmonization of commitments to official languages and multiculturalism policies.	Very little done.
Constitutional formula to support minority development and reduce imbalances through improved services in the minority official language.	Not yet applicable.
II. REGULATIONS	
Regulations on communications and services founded on key concepts of "office", "significant demand" and "nature of the office". A clear definition of services to the travelling public provided pursuant to a contract.	Regulations on communications and services expected to be tabled early in 1990.

Regulations designed to foster the effective use of English and French as languages of work.	Not implemented. Draft regulations on static aspects (work instruments, internal services, etc.) to be prepared in 1990-91. A study on environments conducive to the effective use of English and French has been undertaken.
Other regulations required.	Plan unknown.
III. PROGRAM MANAGEMENT IN THE FEDERAL ADMINISTRATION	
1. Responsibility and Control:	
• better accountability	Implementation under way.
• letters of understanding:	
– Departments	Partial implementation. Late on timetable.
– Crown corporations	Being planned.
• revision of official languages policies.	Not implemented.
• review allocation of translation resources.	Action taken.
2. Service to the Public (see Parts II and IV):	
Nine recommendations concerning the Treasury Board Secretariat.	One recommendation is considered implemented. It concerns measures to ensure bilingual services at national and international events in Canada. The other eight are not implemented.
Two recommendations concerning the Secretary of State Department:	
• action on implementation by federal institutions of Government's commitment to foster minority development.	Being implemented.

• increase pool of translators and intensify efforts to identify and train interpreters.	Being implemented.
3. Language of Work (See Part II):	
Seven recommendations addressed to the Treasury Board and Public Service Commission, as appropriate, to foster the use of English and French in the workplace.	None of these recommendations has been fully implemented; however, there has been some movement on a few.
4. Participation (See Part II):	
Seven recommendations addressed, as appropriate, to the Treasury Board and the Public Service Commission to redress chronic sectoral and regional imbalances.	Partly implemented, but the most important recommendations dealing with participation in Crown corporations and Anglophone participation in support categories not implemented.
IV. PROMOTION OF ENGLISH AND FRENCH IN CANADIAN SOCIETY	
1. Official Language Minorities:	
Seven recommendations to the Department of the Secretary of State on a variety of issues affecting minority development.	While the Department has been quite active in implementing several of these recommendations, it has been slow to develop a Government-wide communications program and has done little to follow up on private-sector initiatives.
2. Radio and Television:	
A recommendation to the CRTC on improved access by minorities to broadcasts of House of Commons debates.	Not implemented.
A recommendation to the CBC on improvements in services to minority language communities.	Not implemented.

3. Second-Language Instruction (See Part V):	
Five recommendations to the Secretary of State's Department and other interested parties on required improvements.	While some initiatives have been taken in respect of these recommendations, the pace has been very slow.
4. National Capital Region:	
Two recommendations addressed to the Department of the Secretary of State, the NCC and other interested parties concerning the recognition and use of English and French in the National Capital Region.	Off to a very slow start.

2. Language Rights: Little by Little

We expected that 1989 would provide ample clarification of the scope of constitutional language provisions in Canada, particularly concerning minority official language educational rights in a number of provinces. Although the courts examined various language-related questions this year their decisions scarcely enabled us to draw any general conclusions.

We begin this chapter with an overview of the major cases involving the Canadian Charter of Rights and Freedoms and the federal Official Languages Act. We then discuss certain education rights decisions concerning either Section 23 of the Charter on minority language education rights or Section 93 of the Constitution Act, 1867, on denominational schools. Lastly, we comment on the importance for the future of the outcome of the many education-related language cases before the higher courts.

Also discussed are certain language cases in Manitoba, the introduction across Canada of Part XVII of the Criminal Code concerning the language of the accused, recent Ontario legislation with linguistic impact and regulations on commercial signage inside businesses in Quebec. We then focus our attention on New Brunswick's administrative policy concerning the use of the official languages in the province's courts and on the proposal to entrench in the Canadian Constitution the principle of the Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick. Lastly, we report on the Court Challenges Program in the context of its renewal.

CASES INVOLVING THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS

The Saulnier case (Yarmouth, Nova Scotia)

Language of information to fishermen

In March a county court judge in Shelburne, Nova Scotia, decided to allow the appeal of Daniel S. Saulnier and acquitted him of a charge of having exceeded his fish quota contrary to the conditions stated in his permit. The decision was based on the fact that the notice of changes to permit conditions had been broad-

cast in English only on the fishermen's marine bands, while there exists a marine band in Yarmouth that broadcasts in French.

The judge found it was wrong to interpret the silence of Section 5 of the Atlantic Fisheries Regulations regarding the language to be used in such notices as indicative of a lack of an obligation to use French. He based his decision on Section 20 of the Canadian Charter of Rights and Freedoms, finding that, even though there had been insufficient proof of the existence of significant demand for services in French in Yarmouth, Nova Scotia, the nature of the office of the Regional Director General of Fisheries justified the use of both languages.

The key passage in the decision is:

> The promulgation of an official measure of the federal government, disobedience to which has penal consequences, should not be in English alone where it can be shown that a significant number of the persons affected by it not only speak French as their first language but reside and work in sizeable Francophone communities.
>
> It is immaterial that the appellant understands English or that his trial was conducted in English. His first language, the language of his choice, the language in which he communicates with other fishermen, is the French language. It is his mother tongue as defined in the Official Languages Act. His right to use that language is guaranteed under the Charter.
>
> The right to which I find the appellant entitled neatly fits the language of the Charter: under s. 20(1)(b), "due to the nature of the office [of the Regional Director General of Fisheries] it is reasonable that communications with and services from that office be available in both English and French".
>
> Presumably variation notices should be broadcast in both languages over Yarmouth Coast Guard radio. Alternatively, notice might be given using the French-language VHF channel. That should be determined by the Regional Director-General in consultation with the affected fishermen.

Ricky Joseph Gautreau v. H.M. the Queen (New Brunswick)

In what language should a summons be written?

A New Brunswick Highway Patrol officer issued the plaintiff, Joseph Gautreau, a summons drafted in both official languages, but provided written clarification of the infraction in English only in one of the spaces provided on the bilingual form. In November a judge of the New Brunswick Court of Queen's Bench rendered a thoroughly researched decision in this seemingly minor affair, one which could have major consequences, particularly for New Brunswick, which has the broadest linguistic obligations under the Canadian Constitution.

Thorough analysis of Section 20(2) of the Canadian Charter of Rights and Freedoms led the judge to conclude that the officer had ignored the instructions

he was required to follow in accordance with the "Guide de la Patrouille/ Uniform Traffic Ticket: A Guide" and failed to ask the plaintiff his preferred language. In the circumstances, that language was French. The judge concluded that the plaintiff had a constitutional right to receive a summons in his preferred language and that the officer's failure to comply with that right entitled the plaintiff to remedy under Section 24 of the Charter. The summons was thus set aside and the judge prohibited the Provincial Court from continuing proceedings.

For the judge, Section 133 of the Constitution Act, 1867, need not be applied in New Brunswick. He was content to base his decision on the absence of communication and service in French with regard to the summons (Section 26(2) of the Charter), and did not raise the matter of the validity of the summons. He simply set the summons aside, despite the fact that the Crown, like "any person", is entitled to use English or French before any court in New Brunswick (Section 19(2) of the Charter).

However, New Brunswick has appealed the decision, stating that the judge committed a number of errors in law.

Joseph Denis Boudreau v. H.M. the Queen (New Brunswick)

A different view

The following case shows how, in a similar circumstance, another justice of the same court reached a conclusion diametrically opposed to that of the decision summarized above.

The case was an attempt to have the result of a breathalyzer analysis admitted as evidence, in accordance with the Criminal Code. Although the analyst's certificate and the notice of intention to submit it were printed in both official languages, only the English version was completed by the analyst and peace officer, both members of the New Brunswick Highway Patrol.

At his Provincial Court trial the defendant objected to the admission of the analyst's certificate as evidence, alleging that his rights under Section 20(2) (Communications by public with New Brunswick institutions) of the Canadian Charter had been violated. He argued that appropriate remedy as provided in Section 24(1) (Enforcement of guaranteed rights and freedoms) of the Charter should be refusal to admit the document as evidence. The trial judge allowed the argument.

The Court of Queen's Bench justice overturned this decision, however, ruling that in the circumstances the lower court should have admitted the certificate as evidence since there was nothing to suggest that its admission would have compromised the accused's right to a fair trial. The Court therefore set aside the acquittal verdict and ordered a new trial.

The Court found that an examination of Section 133 of the Constitution Act, 1867, was of prime importance to the extent that the Charter provisions concerning language rights before the law in New Brunswick had already been interpreted in

light of Section 133 by the Supreme Court of Canada in the MacDonald affair (Quebec) in 1986. The judge found that when dealing with a summons of substantially the same nature as in the MacDonald affair he had to rule on the basis of the language rights protected under Section 19(2) of the Charter (Proceedings in New Brunswick courts), not those of Section 20(2) (Communications by public with New Brunswick institutions).

The court held that Section 20(2) of the Charter had nothing to do with the circumstances of the case and that it was Section 19(2) of the Charter that should apply instead; the analyst who drafted a certificate in English to prove what he could have proved orally in that language therefore enjoyed, in the judge's view, the constitutional right to use English or French. Furthermore, all Part XVII (formerly Part XIV.1) of the Criminal Code grants the defendant is the right to a trial before a judge who "speaks" the accused's language; each person retains the right to use either language in testifying before the court.

CASES INVOLVING THE OFFICIAL LANGUAGES ACT

Here we shall mention three cases concerning the effects of the federal Official Languages Act, one pertaining to the language of public notices and two to the interpretation of differences between the two versions of bilingual federal statutes.

Allan Rimmer and al v. H.M the Queen (Manitoba)

The language of public notices

In 1986 a Provincial Court judge found 17 Manitoba farmers, mostly Anglophone, including Allan Rimmer, guilty of exceeding their grain production quota, so they were fined. The defence case was based on the fact that the Canadian Wheat Board had published a notice concerning the quotas in English only, even though, given its regulatory nature, the notice had nevertheless been adopted in both languages. The Crown argued that under the Statutory Instruments Act the regulatory notice had been exempted from bilingual publication in the *Canada Gazette* because of its nature and length.

The farmers' case was dismissed in 1987 in a first appeal to the Court of Queen's Bench. The Manitoba Court of Appeal then refused the following year to hear an appeal of the second decision, thus confirming the first. Last year the accused sought leave to appeal to the Supreme Court of Canada, stating that their petition was in the "national interest". In March the highest court in the land denied leave to appeal, thus upholding the previous decisions.

Nima v. McInnes (British Columbia)

When the law differs between languages

In this case the court ruled in November 1988 that Section 111(1) of the Customs Act was of no force or effect because in its English version it provides that a justice of the peace may issue a search warrant where he is satisfied there are reasonable grounds to believe that there "may" be found in a building, receptacle

or place any goods or conveyance in respect of which the Customs Act or its regulations have been contravened. The standard that allowed a justice of the peace to issue a search warrant, although contraband "may" be found in the premises, does not meet in the eyes of the Court the minimum constitutional requirements for a valid search and seizure under this section.

The section could not be saved, although in its French version a search warrant could only be issued where the justice was satisfied that contraband "would" be found on the premises. The relevant principles of interpretation required, according to the Court, that the provision be interpreted in conformity with the most recent manifestation of Parliament's intent and this was the English rather than the French version of the legislation. In this case Section 111(1) of the Customs Act had remained the same in the French version when the English one was amended in 1986.

The Queen v. Goguen, Hub City Suzuki and Romo Drilling Ltd. (New Brunswick)

In June 1989, in Crown *v.* Goguen, Hub City Suzuki and Romo Drilling Ltd., the New Brunswick Court of Appeal struck down the search warrant provision of this same Section 111(1) of the Customs Act based on deficiencies in the English-Language version. The Court again held that the English version expresses the scheme and object of the Act and the last expressed intention of Parliament. The Court declared that since the English version does not comply with Section 8 of the Canadian Charter of Rights and Freedoms respecting unreasonable search and seizure, the entire section is unconstitutional.

This case raises issues such as the equal authority rule found in Section 18 of the Charter (Parliamentary statutes and records) and Section 13 of the 1988 Official Languages Act (equal authority of both versions) and principles of interpreting bilingual legislation. Thus, an entire section of the Act could be invalidated even though one official language version of the provision is clearly constitutional.

CASES INVOLVING SECTION 23 OF THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS AND SECTION 93 OF THE CONSTITUTION ACT, 1867

French-language education in Cape Breton

Drafted by the Chief Justice of Nova Scotia in March, this unanimous Court of Appeal decision in the case of the Comité pour une école française à l'Île du Cap-Breton ran against the grain of the two decisions rendered last year in the same case by a justice of the Supreme Court of that province.

Basing its ruling on Section 24 of the Canadian Charter of Rights and Freedoms, the Court of Appeal found that the appellants had the right under Section 23(3)(a) to have their children receive primary and secondary school instruction out of public funds in the language of the minority.

This unanimous decision was considerably more favourable to the plans of the Francophone parents of Sydney than the previous one. However, it did not give them full satisfaction since it provided that the number of children was not sufficient to warrant establishing a facility to be managed by the parents or their representatives.

The Court also found that previous Nova Scotia legislation on so-called Acadian schools did not directly conflict with Section 23 of the Charter and could be maintained despite its wording, which does not contain all the Charter elements.

The Court cited many Section 23 decisions by the Supreme Court of Canada and the courts of other provinces in recommending an open, generous approach to interpreting this section in a remedial light. It recognized the legitimacy of a kind of French-language school that differs from immersion schools so as to encourage greater maintenance and development of French culture.

Lastly, the Court told the appellants not to hesitate to appeal to it for rulings on any action taken by the province in executing its decision that might not be consistent with the Court's declaration. The parents should find this attitude reassuring. The next move is up to the Cape Breton District School Board and, more particularly, to the provincial government.

Provincial curriculum policy and Quebec denominational school boards

A number of Protestant school boards in Quebec, including that of Greater Montreal, challenged the power of the Minister of Education to impose curriculum, basing their argument on the rights provided under Section 93 of the Constitution Act, 1867, concerning denominational schools. That section, or its equivalent, also applies at the moment to Ontario, Newfoundland, Saskatchewan, Alberta, the Northwest Territories and the Yukon.

One of the major differences between Protestant school board practice and the curriculum challenged is that French-language school students are taught English as a second language starting in grade 1, whereas, according to the Department's curriculum, they should begin only in grade 4.

In March the Supreme Court of Canada denied an appeal by the school boards, which argued that two Department of Education regulations establishing a standard curriculum for non-denominational subjects in all Quebec schools were unconstitutional.

The Court found that under Section 93(1) of the Constitution Act, 1867, concerning the rights of denominational schools, the province had exclusive jurisdiction to legislate in matters of education. In so doing, however, it cannot prejudicially affect a right or privilege affecting denominational schools enjoyed by "a particular class of persons" by law in effect in Lower Canada at the time of

Confederation. According to the Court Section 93(1) protects not only the denominational aspects of denominational schools but also the non-denominational aspects which are necessary to give effect to denominational guarantees.

The fact that the guarantee is constitutionally entrenched is, in the Court's view, a major factor in the interpretation of Section 93. Section 93(1) may therefore deserve a "purposive" interpretation, although, in doing so, courts must not improperly amplify the provision's purpose. While it may be rooted in notions of tolerance and diversity, the exception in Section 93(1) is not a blanket affirmation of freedom of religion or freedom of conscience. The exception should therefore not be construed as a right or freedom guaranteed by the Charter.

The impugned legislation and regulations are therefore within the province's jurisdiction, in the Court's view, and are consistent with the constitutional guarantees provided in Section 93(1). Under this regulatory scheme the minister has broad power to establish a curriculum for the pre-schools, elementary and secondary schools in the province.

However, in schools recognized as Protestant or Catholic it is the regulations of the Protestant or Catholic committee of the Conseil supérieur de l'éducation which govern religious and moral instruction. The regulations under attack in this case did not purport to set the content of moral and religious instruction in Protestant schools. They went no further than to include such instruction among the courses deemed compulsory in all the schools. By carving out the denominational content of curriculum the province had conformed to the law in effect in 1867. The Court therefore found that the exception to the province's plenary power in relation to education, which is constitutionally entrenched by Section 93(1), had not been violated.

In a majority decision the Court also found that it is Section 93(1), not Section 93(2) on its own, which raises these rights and privileges to the status of constitutional norms. The Court thus felt bound by Section 93(1) to determine whether the power or privilege extended from Upper Canada to Lower Canada, today Quebec, was with respect to denominational schools and whether that power or privilege was prejudicially affected by the legislation challenged in a given case. In the Court's view, the power to set curriculum extended to Quebec Protestants had, by the application of Section 93(1), only been entrenched insofar as it was necessary to give effect to the denominational guarantee in Quebec.

Two justices dissented from the majority view on this last point, maintaining that the Court was required under Section 93(2) of the Constitution Act, 1867, to measure the protection afforded by law to separate schools in Ontario in 1867 against the protection afforded by law to dissident schools in Quebec at that time. If it were found that those powers were greater in Ontario the appellants would also enjoy broader constitutional protection in Quebec, since Section 93(1)

protection is not limited to powers, privileges or duties which relate specifically to the denominational aspects of such schools. In this case, however, the powers of the trustees of the separate schools in Ontario over curriculum in their schools were subject in 1867 to the overriding regulatory authority of the Council of Public Instruction, representing the province. It follows that, as far as curriculum is concerned, those powers, privileges and duties must, in the dissident justices' view, be subject to the same regulatory authority on the part of Quebec.

Even if the purpose of Section 93(2) were to enhance the constitutional protection afforded to dissident schools in Quebec in order to equate their position with that of separate schools in Ontario, it would still be open to the legislator of Quebec, in the view of these two justices, to regulate the powers of dissident school boards over curriculum, provided such regulation did not prejudicially affect the denominational character of such schools.

This decision by the Supreme Court of Canada concerning Section 93 of the Constitution Act, 1867, comes at the right time, precisely when Quebec has petitioned its Court of Appeal to assess the constitutionality of certain provisions of its Bill 107, which was passed on December 23, 1988. Implementation of those provisions was suspended pending this advisory opinion. The purpose of that legislation was, in particular, to replace the denominational structure of the education system with a structure based on a system of linguistic school boards, while complying with entrenched denominational rights. We find it appropriate to discuss this important decision because of its linguistic consequences.

Supreme Court's refusal to re-hear the case

In a two-and-a-quarter-page decision rendered in August the Supreme Court of Canada dismissed the appellants' application for a re-hearing. The appellants felt that when all the material before the Court was considered, more particularly certain items submitted at the time of the application, the Court could not fail to rule in their favour on the two main points of their case. The Court found that this argument was one that any unsuccessful party could make in seeking a re-hearing.

THREE OTHER CASES PENDING IN EDUCATION IN ONTARIO, QUESTIONS OF MANAGEMENT AND OF FUNDING

A case the Association française des conseils scolaires de l'Ontario brought last year challenging Bill 125 concerning Francophone representation on school boards and distribution of school board positions remained pending before the courts this year.

In June an Ottawa-Carleton ratepayer, Gilles Marleau, contested a number of provisions in the Act concerning the creation of a French-language school board for the Regional Municipality of Ottawa-Carleton and in the Ontario Assessment

Act in seeking recognition of the right of the Catholic and public sections of the Ottawa-Carleton French-language school board to shares of school taxes proportionate to the number of students enrolled in each section.

During the summer four Francophone taxpayers from Stormont, Dundas and Glengarry County launched a similar proceeding, seeking a fairer distribution of the schools' portion of property taxes paid by individual and commercial corporations for French-language schools, in a manner proportionate to the number of students enrolled.

Importance of defining the scope of Section 23 of the Charter

The decisions rendered in 1989 made no major progress towards greater recognition of minority language educational rights as we had hoped last year they would. We expect much from the Supreme Court decision in the Mahé affair (Alberta) on the scope of Section 23 of the Charter concerning these rights. We hope this judgment will at last provide a solution to all the similar problems that persist in a number of provinces.

The Manitoba Court of Appeal's advisory opinion, expected in 1990, in that province's reference on the compliance of its education legislation with Section 23 of the Charter, is also awaited with considerable interest.

We are pleased with Saskatchewan's decision (see Part IV, Chapter 2) to restructure its French-language schools in accordance with the recommendations of the Comité de coordination pour le contrôle et la gestion des écoles françaises par les francophones.

As we noted last year, if there is one aspect of Charter language rights that must be implemented quickly, concretely and effectively, it is minority language educational rights. To date, school systems controlled by the linguistic minority have developed only in Quebec, New Brunswick and, more recently, though in a fragmentary manner, in Ontario.

Recent developments in the Catholic and Protestant sectors in Quebec will make school management by the linguistic minority, as regards both English Catholics and French Protestants, increasingly a chance affair. (On this subject, see the Quebec section in Part IV, Chapter 2.)

The Government of Quebec has tried for a number of years to correct the effects of this situation, in particular through two recent statutes designed to transform the denominational structures of the school system into linguistic structures that would nevertheless accommodate the rights of Catholic and Protestant denominational schools as protected by the Constitution. However, the Public Elementary and Secondary Education Act of 1984 was ruled unconstitutional by the Superior Court of Quebec in 1985 and was never implemented. A number of

provisions concerning this transformation of structures contained in the new Education Act passed in 1988 after a new government came into power are currently the focus of a reference to the Court of Appeal, which is to hand down an opinion as to their constitutionality.

It should not be forgotten that the wording of Section 23 of the Charter was originally taken from the St. Andrew's Resolution of 1977, in which all the provincial premiers agreed to make every possible effort to provide instruction in English and French, where numbers warranted. In February 1978 the provincial premiers renewed their commitment in Montreal and stipulated that every child of the minority group in each of the provinces would have the right to receive instruction in the minority language in the primary and secondary schools wherever numbers warranted.

Thirteen years later, we are still pondering the true scope of this section of the Charter, despite its constitutional nature.

OTHER LANGUAGE CASES

Decisions were rendered this year in two rather unusual language cases in Manitoba:

- the Public Inquiry into the Administration of Justice and Aboriginal People case, concerning bilingual orders in council;
- the Guy Jourdain case concerning unilingual English parking meters in the St. Boniface area of Winnipeg.

Delegated legislation in Manitoba

Bilingual orders in council

In June the Manitoba Court of Appeal ruled unanimously that the two provincial orders in council that were drafted in English only to set up a special Commission of Inquiry on the Administration of Justice and Aboriginal People were invalid and of no effect. In the Court's view they constituted not a "rule or directive of internal management", but rather delegated legislation of the Manitoba legislature affecting the public. As such, the orders in council remained subject to the requirements of legislative bilingualism under Section 23 of the Manitoba Act, 1870.

In the federal sphere, current practice in the area complies with the requirement for bilingual instruments, when they proceed from the royal prerogative or any other executive power and are public and general in nature. That much was sanctioned by Sections 7(1) and (2) of the 1988 Official Languages Act. The Act now extends to acts of royal prerogative — long considered solely of an executive nature — and to other executive orders of a public and general nature and

does not restrict the bilingualism requirement to legislative orders of regulatory nature, as would appear at first glance to be the intent of Section 133 of the Constitution Act, 1867, as interpreted by the Supreme Court of Canada in Blaikie I (1979) and Blaikie II (1981).

The same is true in the provincial sphere in New Brunswick, where all executive documents likely to be brought to the public's attention — in particular, in the *Royal Gazette* — are also issued in both languages. The situation is different in Quebec, where the traditional interpretation of Section 133 of the Constitution Act, 1867, continues to govern only instruments of a legislative nature. These include orders in council containing regulations, since in Blaikie II in 1981 the Supreme Court of Canada extended the bilingualism requirement to a major portion of delegated legislation, excluding, however, that of the municipalities and school boards.

At this writing, we learned that the provincial government and the Société franco-manitobaine intend to put this matter before the Supreme Court of Canada under the 1985 order by that Court ratifying an out-of-court settlement among all the intervenors, who were parties to Manitoba's commitment to translate its statutes and regulations. The order provides that every party to the agreement may, in case of need, ask the Supreme Court to clarify parts of its advisory opinion in the reference on Section 133 of the Constitution Act, 1867, and on Section 23 of the Manitoba Act, 1870.

The Guy Jourdain case, Winnipeg

Must parking meters be bilingual?

In a decision rendered in both languages in June a justice of the Provincial Court of Manitoba, Criminal Division, acquitted Guy Jourdain of a charge of having parked his car without paying parking charges at an expired parking meter which read "expired parking time" in English only in St. Boniface.

The Court found (1) that a parking sign affixed to a pole or a parking meter is indeed a traffic sign and (2) that Section 80(4) of the City of Winnipeg Act does not violate Section 15 (equality rights) of the Canadian Charter of Rights and Freedoms by requiring that traffic signs in St. Boniface be in English and French. Since the city failed to comply with its constituent statute, the judge concluded it would be inequitable to convict the accused.

This decision concerns a linguistic matter but deals with neither the 1969 or 1988 version of the federal Official Languages Act nor with the relative provisions of the Charter or Section 23 of the Manitoba Act, 1870. It is nevertheless interesting to note that the Court acquitted the accused, whereas in 1986 a majority of the justices of the Supreme Court of Canada convicted Professor Bilodeau, who had argued in his defence that Manitoba's Highway Traffic Act and the summons issued him were invalid because they were in English only. It

will be remembered that the Supreme Court based its decision on three principles: necessity, *de facto* validity of statutes and the primacy of law.

Court decisions and the Official Languages Act

A major issue arose during the 1980s, particularly in the federal sphere, regarding the language of court proceedings, as a result of a number of cases (Lefebvre and Paquette, Alberta; Mercure and Tremblay, Saskatchewan; Robin, Manitoba; MacDonald, Quebec; St-Jean, Yukon; SANB, New Brunswick) which we have discussed in previous Annual Reports. The 1988 Official Languages Act fortunately corrected the situation arising from these cases. This statute clearly exceeds the minimum constitutional guarantees provided in Section 133 of the Constitution Act, 1867, and its equivalents on language rights before the courts where it provides for the administration of justice by the federal courts and the rights of the accused in criminal matters. On this point it is a clear illustration of the principle of advancement, through legislative means, towards equality of status and use of the English and French languages as provided in the Canadian Charter of Rights and Freedoms.

To a certain extent this statute is a government response to the fairly limited approach taken by a majority of justices of the Supreme Court of Canada in a number of cases, including MacDonald, Bilodeau and Société des Acadiens du Nouveau-Brunswick. The legislator has thus reflected the government's will to improve bilingual services in the courts and to open dialogue with the representatives of the provinces to establish a timetable in order to enable criminal trials to be held in both official languages everywhere in Canada. That much has now been established.

The Criminal Code — the judge and the language of the accused

Coming into force of Part XVII (ex XIV.1) of the Criminal Code

Criminal Code provisions permitting the accused to choose a preliminary enquiry and trial before a judge (or judge and jury) who speaks the accused's official language went into effect across Canada on January 1, 1990. They apply to violations punishable on summary conviction and criminal acts.

However, those provisions were not yet in effect in Alberta, British Columbia, Newfoundland or Quebec on December 31, 1989. In addition, Quebec was subject to both Section 133 of the Constitution Act, 1867, and Section 627 of the Criminal Code concerning mixed juries. Nova Scotia postponed until then its application to trials for offences punishable on summary conviction.

Even though these provisions do not formally fall under the Official Languages Act but rather under the Criminal Code, they were passed by Parliament at the same time as the Official Languages Act. We are, therefore, happy to be able to report their implementation throughout Canada as one more step toward equality

of the status and use of English and French and as the promise of a greater guarantee of the fundamental right of all Canadians, and indeed of all human beings, to a fair trial.

LANGUAGE LEGISLATION IN ONTARIO AND REGULATIONS IN QUEBEC

Ontario legislation

All provisions of the French Language Services Act came into effect in Ontario on November 19. In 1989 a number of other Bills granting status to the French language, enhancing Francophone rights or facilitating their exercise were also tabled or passed on that date. We are pleased with these developments. Following is a list of Bills tabled late this year in the Legislative Assembly in Toronto:

- Bill 62, An Act to amend the Courts of Justice Act;
- Bill 64, An Act to amend the Education Act and certain other Acts relating to Education Assessment;
- Bill 65, An Act to amend the Ottawa-Carleton French-Language School Board Act;
- Bill 74, An Act to provide for the Consolidation and Revision of the Statutes of Ontario;
- Bill 75, An Act to provide for the Consolidation and Revision of the Regulations of Ontario.

Commercial signage regulations in Quebec

In July the Government of Quebec passed regulations on commercial signage posted inside the province's businesses. The purpose of the regulations is to facilitate implementation of Bill 178 in cases where public signage and advertising can be posted simultaneously in French and in another language, provided they are intended for the public and the French version clearly predominates.

The regulations provide that French does clearly predominate "where the text in French has a much greater visual impact than the text in the other language." It provides three examples, illustrated by concrete situations, in which the French text may be considered as having much greater visual impact on the same poster, on separate posters of the same size and on separate posters of different sizes. This is what has been called the "two-for-one rule".

Despite the new regulations public signage and commercial advertising must continue for the moment to be posted in French only outdoors or when intended for the public outside; inside a shopping centre and at its entrances; inside every

public conveyance and entrances thereto; inside the buildings of companies of more than 50 employees (which must hold a francization certificate); and inside businesses with less than 50 but more than five employees which share a franchise with at least two other businesses.

However, businesses subject to a francization program and business franchises may be subject to future regulations establishing the terms and conditions for each category of business and reinforcing conditions to enable those businesses to post signage simultaneously in French and another language. These regulations are still pending.

A recent initiative welcomed in Manitoba
We are delighted with the new and comprehensive, yet finely tuned, Manitoba policy on bilingual provincial services in designated regions where there are concentrations of Francophones. This is a well-designed policy that will likely serve as an example elsewhere. We would have preferred, however, that this sound policy be set out in a statute sanctioning Francophone rights. A more detailed discussion of this policy appears in Part IV, Chapter 2.

Towards a comprehensive policy for all New Brunswick's courts
At the request of the Association des juristes d'expression française the Premier of New Brunswick promised in November 1989 to propose a new administrative policy for the province's courts which would incorporate a number of legislative amendments to increase the bilingual capability of the courts and administrative tribunals of the province.

All New Brunswick Francophones were gladdened when the Premier announced in late 1989 that he intended to act on plans to entrench in the Constitution of Canada the principle of the Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick.

THE COURT CHALLENGES PROGRAM AND ITS RENEWAL

In September we appeared before the House of Commons Standing Committee on Human Rights and the Status of the Disabled to recommend that the linguistic component of the Court Challenges Program be maintained and, if necessary, expanded. We attempted to demonstrate the relation between language rights and human rights by emphasizing, with the aid of recent Canadian case law, how closely language rights are bound up with human rights. We emphasized the vital importance of this program for official language minorities, even though assistance provided for language cases constitutes a mere fraction of the total assistance provided.

We were therefore pleased to learn that the Standing Committee unanimously recommended to the House in December that the Court Challenges Program be

renewed for 10 years from April 1990 to March 31, 2000. The Committee also proposed that a parliamentary human rights committee be made responsible for conducting a review of the program in 1993-94 and 1998-99. It also felt that a decision should be taken on the question of a possible extension of the program before March 31, 1999, to make it easier for users to plan their work.

However, the Committee also recommended that Program funding for language rights cases not be extended to challenges of non-constitutional statutes, as a number of minority language rights groups had demanded. According to Committee members, any expansion of the program in this direction would again create an imbalance between the mandates of the language rights funding committee and the equality rights committee of the Canadian Council on Social Development, which pays out the grants. The Committee considers such an imbalance would be unfair.

The Committee also fears the strong repercussions that would be caused by federal funding not only of cases concerning rights recognized by the Constitution, but also of cases concerning provincial legislation, something that would greatly exceed the original framework of the program's mandate. In the Committee's view, this would risk raising extremely delicate federal-provincial questions.

The Committee nevertheless recognizes that the groups' requests to extend assistance to cases based on non-constitutional legislative language provisions show that the program's current structure has not made it possible to meet certain needs fully. Given the major national scope of certain language rights issues, the Committee therefore suggests that the federal government examine the reasons for this persistent dissatisfaction among minority language groups. As we indicated in our testimony before the Committee, human rights are indivisible. As long as they can be threatened in any given sphere, we cannot relax.

3. Standing Joint Committee on Official Languages: "Review on a Permanent Basis"

For the second consecutive year circumstances permitted the Standing Joint Committee on Official Languages to meet only a few times. The Committee was reconstituted after the federal election, following the start of a new session of Parliament. Members from the House of Commons were named on April 14, but the Senate only nominated its members on June 6. The co-chairpersons are the same as for the previous Committee. The Committee now operates under the enlarged mandate set out in Section 88 of the 1988 Official Languages Act:

> The administration of this Act, any regulations and directives made under this Act and the reports of the Commissioner, the President of the Treasury Board and the Secretary of State of Canada made under this Act shall be reviewed on a permanent basis by such committee of the Senate, of the House of Commons or of both Houses of Parliament as may be designated or established for that purpose.

After an organizational meeting the first witness the Committee called on June 21 was the Commissioner of Official Languages to review his 1988 Annual Report. In outlining the major aspects of his Report, Mr. Fortier underscored the importance of the Blueprint for Action he had proposed to ensure implementation of the new Act. He was critical of the unequal performance of the central agencies and the serious plight of small official language minority communities. In answering numerous thoughtful questions on these issues, the Commissioner insisted on the urgent need for generous and liberal regulations on "significant demand" and "nature of the office". He also stressed the importance of full implementation of minority language education rights in ensuring the vitality of minority communities.

On October 29, after the summer recess, the Commissioner appeared again before the Committee to continue examination of his Report. He explained on that occasion how his Office's 1989-90 budget was being spent and what initiatives were being planned. The Commissioner was questioned pointedly on the

Anglophone and Francophone participation rates of his Office and other equity issues (see Appendix A). Lastly, the Commissioner tabled several audits of federal institutions conducted by his Complaints and Audits Branch as well as two studies: an examination of the use of Canada's official languages at national and international events and an analysis of a survey on language of work conducted among public servants in New Brunswick. (See our 1988 Annual Report, pp. 90-91 and pp. 105-106, for a summary of these studies.)

The 1991 decennial census

The Committee then turned its attention to preparations underway for the 1991 decennial census. Three hearings were devoted to examining the nature and scope of the census questions that deal with language.

The first witness to appear was Canada's Chief Statistician, Ivan Fellegi. The Committee strongly disagreed with one of the options proposed by Statistics Canada that the "mother tongue" question appear only in the "long" questionnaire which is distributed to one household in five, rather than on the "short" questionnaire whose questions are answered by the whole population. In previous censuses this question had always appeared on the short questionnaire.

The Commissioner shared the Committee's views. He believed that the census question dealing with mother tongue should remain in the short questionnaire used in the 100% sample, just as it has in the past. In his opinion Section 23 of the Charter of Rights and Freedoms implies such a requirement. It bases language education rights in part on the "first language learned and still understood" by parents, and it limits this right to areas "where numbers warrant". In fact, mother tongue is defined in the very terms used in the census question. In this regard, the matter of numbers is crucial and the margin of error should be kept to a minimum. While a 20% sample should be adequate for densely populated areas, the margin of error increases in those with a smaller population. This is important given that a significant proportion of Francophones outside Quebec and Quebec Anglophones outside Montreal live in small communities. Similarly, we believe a requirement for a 100% sample in small communities will prove important when significant demand is determined in forthcoming regulations on communications and services under the Official Languages Act.

There were symbolic implications as well. If the question were omitted from the short questionnaire, four out of five Canadians responding to the census would not be asked any questions on language. Since 1941 the question referring to mother tongue has appeared in every census with only minor variations. Continuity would thus facilitate matters for researchers studying the demographic evolution of Canada; however, removal of the question from the 100% sample would introduce an element of approximation. (See Appendix B for a fuller discussion of the nature and usefulness of the census questions on language.)

On November 2 the Committee heard Guy Matte, President of the Fédération des francophones hors Québec, on this issue. He criticized Statistics Canada's lack of consultation with official language minority groups on the development and formulation of census questions, noting that his organization had not been approached. He suggested there was a general need for more refined statistical information on language use in various contexts.

On November 28 the Chief Statistician reappeared before the Committee. He assured it that his agency's recommendation to Cabinet concerning the "mother tongue" question would be to include it in the census questionnaire sent to all households. The Committee nevertheless felt it would be useful to obtain further information from the minister responsible for Statistics Canada, Harvie Andre, who would be asked to appear at a later date. After a planning meeting, the Committee returned to its main role of examining how federal institutions implement the Official Languages Act.

Committee review of departmental performance

The Minister of Transport, Benoît Bouchard, appeared on December 5 to explain and defend his Department's performance in language of service, language of work and employment opportunities. Mr. Bouchard was peppered with questions about poor services in French at airports and agreed that they were not all they should be, particularly when it came to security checks. He indicated that his Department was working on regulations on health, safety and the security of the public under Section 26 of the Official Languages Act and that these should lead to improvements.

Finally, on December 12, the Committee heard the Minister of National Defence, William McKnight. Members zeroed in on two chronic problems in the Department: the use of French as a language of work and the availability of training in that language. Of particular concern was the lack of progress on Francophone participation among the higher ranks and in the Management category among civilian employees, as well as the lack of work instruments in French. Mr. McKnight acknowledged that these problems were serious but indicated progress was being made. The recommendations of the Commissioner's 1987 special report to the Governor in Council had been helpful in this regard.

The Committee ended the year by making plans to review draft regulations of communications and services which were expected to be referred to it early in the new year. We hope it will also be able to set a brisk pace in examining the performance of federal institutions. Nothing is more sobering for poor performers than serious questioning by the Committee. In this and in its other work it can count on the full support of the Commissioner and his Office.

4. Federal Policies and Programs: A Two-Speed Engine

a. The Central Agencies

A survey of the federal performance in implementing the Official Languages Act must take into account its three relevant components: the equality of the two languages in federal institutions, the provisions concerning support for minorities and those concerning the promotion of the official languages in Canadian society[1]. In this chapter, we propose to summarize the situation and discuss topics as they relate to programs internal or external to the federal administration.

Internal policies and programs are intended to ensure that the federal administration serves the Canadian public in both official languages, that employees in designated bilingual regions can work in the official language of their choice and that English-speaking and French-speaking Canadians are equitably represented in federal institutions. These objectives require a considerable infrastructure and all federal institutions must meet them. However, responsibility for achieving them falls mainly to the Treasury Board, the Public Service Commission and, for translation and interpretation, the Department of the Secretary of State. These matters are dealt with in the first section of this chapter.

External policies and programs are aimed, in the words of the Act, at "enhancing the vitality of the English and French linguistic minority communities and assisting their development" and "fostering full recognition and use of both English and French in Canadian society". The second section of this chapter deals with the central role of the Department of the Secretary of State with respect to these external programs, which are also discussed in the parts devoted to the minorities and to education. Finally, we shall briefly look at the role and importance of research in the protection and enhancement of the official languages.

---

[1] The Act also includes provisions relating to official languages in parliamentary proceedings, legislative instruments and the administration of justice.

* * * *

It is the responsibility of the **Privy Council Office** which acts, so to speak, as the department of the Prime Minister, to ensure overall co-ordination and to provide the necessary impetus and direction in certain key areas as required. It is regrettable, in our view, that the current political and economic situation has clearly not afforded the PCO the opportunity to play an active role in this regard. This may explain in large part the sluggishness and lack of co-ordination observed in a number of areas. We sincerely hope, given the requirements of the situation, that the Office will play a more active role in 1990.

The **Treasury Board**, by virtue of its statutory powers and express responsibilities under the Official Languages Act, is called upon to play a leadership role. It is responsible for developing regulations, policies and directives, for informing managers and employees of their obligations and rights, for supervising the implementation of the official languages program and for evaluating the effectiveness of principles and programs.

The **Public Service Commission** acts mainly in the areas of recruitment and training, which have a significant impact on the official languages program.

The **Department of the Secretary of State** plays a role that is essentially directed beyond the Public Service and is assigned by the Act the very important mission of interdepartmental co-ordination.

Internal Programs: The Federal Administration

The ringmaster: Treasury Board Secretariat

Regulations and guidelines

Development of the regulations on communications and services was, for obvious reasons, the central concern of the Treasury Board Secretariat. In the preliminary stages, TBS consulted with minority associations, certain federal agencies and the Commissioner of Official Languages. Unfortunately, the year ended before any draft was tabled in Parliament, contrary to the ministerial commitment to Parliament to do so "well before the end" of 1989. In view of the deadlines prescribed in the Official Languages Act for examination of the regulations by both houses and their publication in the *Canada Gazette*, it is unlikely that they will be proclaimed before the summer of 1990. They may go into effect much later, since there could be a one-year delay following proclamation. Three years will then have elapsed since passage of the Act. At this rate, how many years will it take to implement all the regulations? The conclusions that should be drawn from this are set out below.

The regulations should correspond to the recommendations in our Blueprint for Action of last year and meet certain criteria. They should reflect the letter and the spirit of the Act and the objectives for promoting the minorities, as set out in the Preamble, should be easy for the public to understand and for federal agencies to implement, should take into account the traditional absence of services at certain offices that should offer them and should treat the various communities equitably.

Without underestimating the scope of the task, we can only regret the absence of a comprehensive plan and the lack of commitment on the part of Treasury Board. Meanwhile, in the institutions, a wait-and-see attitude prevails over motivation, and stagnation over progress. It is no surprise, in the circumstances, that the number of complaints rose by 25% in 1989.

Language of work regulations are apparently still in the embryonic stage. The first phase of the study announced last year, aimed at analysing the factors that facilitate or hinder the use of both languages in the workplace, is now completed, and the data gathered should be used to develop this component of the regulations. But when will these regulations see the light of day? And will they be consistent with the framework we recommended last year?

Neither the letters of understanding nor the prospect of regulations, nor even the Act itself, can take the place of the daily bread that directives and policies represent for institutions. In this regard, the diet of these institutions has consisted of nothing more than a Treasury Board notice dated September 7, 1988 (i.e., before proclamation of the Act), stating that "as soon as the Act is proclaimed, all its provisions will come into effect, including those which provide for a recourse to the Federal Court" and that "current government policies will remain in effect until they are superseded by new directives or regulations."

The desire to forestall the belief that proclamation of the Act would result in a vacuum was certainly laudable, but it is only one step from this to the view that the new Act was simply a synthesis of past policies. And unfortunately there was little to induce federal managers to think otherwise — not even the information conveyed by the "Manager's Deskbook" in May 1989. In some cases, regulations will be required to define the terms of implementation, but meanwhile — and the wait, which began well before proclamation of the Act, continues — organizations must rely on two volumes and 12 years of various directives which, unless otherwise indicated, are all supposed to reflect the letter and spirit of the new Act. (The exception that confirms the rule is a directive on information technology issued in December 1988.)

And yet, guidelines must be provided, for, in many cases, the luxury of waiting for a regulatory framework cannot be afforded. That is why the second recommendation (of 60) in our 1988 Blueprint for Action was concerned with the development of guidelines, an indispensable intermediate stage between general information and a complete review of policies.

Active Offer — Early policies are vague, but the most recent are consistent with the requirements of the Act. Unfortunately, however, they are scattered throughout a variety of circulars and documents, some of them dealing with other topics as well. The brochure "The New Official Languages Act and You" also failed to draw employees' attention to new legal requirements for the active offer of service. Clear instructions consolidating existing circulars were therefore necessary.

Significant Demand — In 1982 Treasury Board issued a list of areas where all departments are required to make services available in both languages. Regulations will provide greater precision in this respect. In the meantime, however, all institutions should be advised that the new Act focuses on demand for services and communications from specific "offices" and "facilities". Managers need directives on acceptable modes of communication and on services to be provided by the offices involved. Although there may be some doubt in borderline cases until regulations are passed, the notion of significant demand is not foreign to government operations.

Section 91 — This section states that, at the time of staffing, official language requirements shall not be applied to a position unless they are objectively required to perform the functions of the position. This is a provision of great importance, in terms of both fairness and justice. Fairness, because an appropriate level of linguistic competence will ensure full respect for the right of the public and of employees to be served in the language of their choice. Justice, because candidates and incumbents should be neither penalized nor given an advantage by linguistic requirements that are either too high or too low, whether for their own position or one for which they are applying. The taxpayer too should not be penalized by the payment of bonuses to incumbents of positions that do not really require bilingualism.

Section 91 also has an impact on the application of Section 39, which is designed to ensure that English-speaking and French-speaking Canadians "have equal opportunities to obtain employment and advancement". It thereby also sets conditions for access to language training and development, conditions that are based largely on the linguistic designation of positions. Section 91 therefore constitutes one of the key elements in the structure of the official languages program. In the circumstances, it is surprising that this section has not been the subject of any directive from the central agencies.

The criteria for the application of this section must, however, be clarified, particularly as regards the objective nature of the requirements for the language designation of positions. Federal employees, for their part, seem to have grasped the possibilities of this provision, judging by the number of complaints filed with the Commissioner.

Use of Minority Official Languages Media — References to the use of minority language media are too scattered and imprecise to provide much guidance to

institutions. New policies on the use of minority media would ensure appropriate implementation of new legal requirements.

Crown Corporations — The Treasury Board currently has formal responsibility for enforcing the Act in all institutions, including Crown corporations. Consequently, it cannot pursue a policy of interest but non-interference in their regard; to apply the Act, Treasury Board must provide Crown corporations with clear guidance that goes well beyond the letter of understanding process.

Language of Work Rights — Any "rights" previously enjoyed by federal employees with respect to language of work were the result of policies based on the Parliamentary Resolution of 1973. Many of these policy elements are now rights and responsibilities under the new Act. Even in the absence of regulations, institutions should be given more precise instructions concerning the operational implications of language of work provisions in the Act.

Work Instruments — The provision of "regularly or widely-used work instruments" in both official languages in designated regions is now a legal requirement. Clearer operational guidance, based on the wording of the Act, is required.

Regulatory Activities — New regulatory responsibilities affecting "health, safety and security of members of the public" are closely tied to the requirement for definitions of these terms; regulatory agencies should be actively involved in interpreting the meaning of Section 26 and in issuing precise instructions in their own areas. In order to ensure consistency, some effort at a consensus on the meaning of these words as they are used in the Act would have helped considerably.

This list is not exhaustive. We hope it will encourage institutions to issue clearer, more "user-friendly" policy instructions in support of the new Act. Although some areas will have to be clarified by regulations, many topics could have been dealt with when regulations were being drafted. Present policies should be reviewed and then ordered, adapted, reoriented, supplemented and presented in a form which will make it easier for managers and specialists to find what they need quickly.

Treasury Board report

The Secretariat also prepared the first annual Treasury Board report on official language programs for fiscal year 1988-89, which was tabled in Parliament by its President in December 1989. We extend a welcome to this new colleague, whose appearance is mandated by the Act. The report begins by describing the unique features of the Canadian approach to official languages management in Government and in the public administration and, taking a resolutely optimistic approach, reports on the progress achieved in the past two decades. It also

provides information on the Treasury Board Secretariat's current activities, as we do below. Numerous indicators are used to assess the progress of language reform. The report serves a useful informative function; however, it contains no critical analysis or evaluation of the effectiveness of government programs.

The Treasury Board Secretariat also informed federal employees and managers in general terms about the principal implications of the new Official Languages Act as they concerned service to the public, language of work and participation, from the point of view of the rights and responsibilities of the various parties involved.

As a result of our representations and a recommendation by the Standing Joint Committee on Official Languages a guide was published to assist organizers of national and international events in taking official languages into account in the various elements of their work. In order to cover all aspects of the issue and respond to our recommendation of last year the Treasury Board should issue a directive to federal agencies.

It became clear from our work and from various meetings held this year with more than 50 departmental official languages representatives that many agencies do not assign the human and financial resources required for adequate management of official languages programs. To find out more about the situation we intend to conduct a horizontal study of this subject in 1990 in a number of institutions. To this end, we shall follow the policy of the Treasury Board Secretariat on the organization and integration of the official languages program in the Public Service. This study will take into account the commitments made, where applicable, in the letters of understanding with the institutions.

The workings of the Program

Letters of understanding — Departments

In response to our recommendation of last year the Treasury Board Secretariat speeded up the signing of letters of understanding with departments, increasing their number from four to 25. It, nevertheless, is considerably behind schedule for the March 15, 1991, deadline it set itself for the signing of nearly 80 letters. We can only recommend again that the Treasury Board speed up the process, which in our view constitutes an effective method of increasing departmental accountability for official languages[2]. The development of specific directives applicable to all federal institutions, discussed above, should simplify this process.

Moreover, our analysis of the letters already signed shows that they are gradually improving. In particular, the part in which the departments discuss their present situation paints quite a realistic picture. More appreciable differences are

[2] The official languages letters of understanding are discussed in the first progress report on the new regime of Increased Ministerial Authority and Accountability published in December 1989.

apparent, however, in the choice of objectives to be achieved. A number of institutions have set realistic and specific objectives likely to improve implementation of the Act (for example, objectives on service to the public that should have a positive impact on achievement of the objectives set out in the Act.) But others, with the Board's complicity, still hesitate to set clear objectives to rectify shortcomings. In the case of still others, the objectives are not accompanied by a schedule. In our view, the weakness of control measures specified in the letters of understanding remains the major problem. Too often the measures planned concern program mechanisms (the number of bilingual positions, for example), and not the results to be achieved. Special attention to quality of performance indicators would substantially improve the content of the letters, as we recommended last year.

Letters of understanding — Crown corporations

In 1989 the Treasury Board Secretariat adapted to Crown corporations the letter of understanding model used for departments. This model will be introduced over a four-year period starting in 1989. It will therefore be March 1993, at the earliest, before Crown corporations are truly accountable for official languages program management. In our opinion, it is important to put the machinery in place and start it up, especially since, as far as we are aware, the last official languages directive dates back to the early 1980s.

We find Treasury Board's silence on this subject in its Annual Report disturbing. We note that Crown corporations, while subject to the Official Languages Act, usually do not have administrative infrastructures and regulations to guide them in implementing their efforts and good intentions, as departments and agencies do.

In the circumstances, we reiterate our recommendation of last year and invite the Treasury Board Secretariat to devote special attention to Crown corporations and to introduce control mechanisms for all agencies. Our studies and audits this year will look at the institutional commitments written into the letters of understanding. We will not hesitate, when necessary, to point out their shortcomings and recommend major changes or additions.

Language requirements of positions

It is difficult today to conceive of positions in the Public Service of Canada without their various language requirements. Yet the system we know today dates back only to 1973. When the first Official Languages Act was proclaimed in 1969 only some 9% of positions "required" a knowledge of both languages, and in reality less that 15% of the incumbents of these positions were actually bilingual.

Following the Parliamentary Resolution of June 1973 the Government undertook the linguistic identification and designation of all Public Service positions. Table I.2 shows the ongoing changes in the four categories of positions: a gradual increase in the percentage of bilingual positions compared to unilingual ones and a decrease — in percentages and in absolute numbers — of "French essential" and "either/or positions".

Table I.2

Language requirements of positions, 1974 to 1989

Positions	1974	1978	1982	1986	1989
Bilingual	38,164 20.9%	52,300 24.7%	58,360 26.2%	64,042 28.6%	61,741 29.4%
English essential	110,117 60.2%	128,196 60.5%	133,850 60.2%	131,563 58.8%	123,117 58.5%
French essential	18,533 10.1%	17,260 8.1%	16,599 7.4%	15,636 7.0%	14,021 6.7%
Either/or	15,975 8.7%	14,129 6.7%	13,706 6.2%	12,386 5.5%	11,415 5.4%
Total	**182,789**	**211,885**	**222,515**	**223,627**	**210,294**

Source: Official Languages Information System.

We may wonder, particularly in light of the 1973 Resolution, whether the percentage of "French essential" positions has not fallen below an acceptable threshold and, in other words, whether there is not an excessive number of bilingual positions in certain places. In the bilingual regions of Quebec, for example, the percentage of "French essential" positions is only 31.1%, and even in the province's unilingual regions it is barely 60.4%. Would there not be more "French essential" positions if a service were organized along linguistic lines, if communications from the National Capital Region to Quebec were conducted in French, if more work instruments were available in that language and, finally, if the bilingualism bonus were awarded only to those truly entitled to it? These are all factors that, in our opinion, would ensure more effective implementation of the Official Languages Act.

Greater than the increase in the number of bilingual positions and more indicative of the capacity of the Public Service to serve the public in both languages is the increase in the number of bilingual employees in both relative and absolute terms.

As Table I.3 shows, the percentage of bilingual public servants has risen in 12 years from one in 10 to one in four. Moreover, the number who meet the language requirements of their positions has increased from one in two to nine out of 10. Unfortunately, this latter figure has levelled off in recent years and is now showing a slight decrease. It is unclear whether this levelling-off is the result of downsizing, of the change in reporting methods or of the bonus-confirmation process.

Table I.3

Number and percentage of bilingual incumbents, 1974 to 1989

	1974	1978	1982	1986	1989
Bilingual incumbents	**18,154**	**36,446**	**47,873**	**56,179**	**52,012**
Bilingual incumbents as % of bilingual positions	47.6	69.7	82.0	87.7	84.2
Bilingual positions	38,164	52,300	58,360	64,042	61,741
Bilingual incumbents as % of all positions	9.9	17.2	21.5	25.1	24.7
Total number of positions	182,789	211,885	222,515	223,627	210,294

Source: Official Languages Information System.

While all three of these factors have had some impact on the loss of momentum, we may ask whether it is still acceptable in 1989 that nearly 10,000 incumbents of bilingual positions (i.e., one of out six) are not linguistically qualified. To be sure, 28% of them have had their positions designated bilingual or the linguistic requirements raised and 8% must take language training following a conditional appointment, but the remaining 64% simply do not meet or no longer meet the language requirements of their positions. Reassessing the incumbents and withdrawing the bilingualism bonus from unilingual employees are necessary steps to redress the situation, but they are cold comfort to Canadians who cannot obtain service in the official language of their choice.

What about the level of linguistic skill of public servants? As the number of bilingual employees increases, their second-language skill also improves, as Table I.4 indicates. Only since 1987, however, has it been possible to fully assess this improvement. Previously, we knew only whether or not employees met the language requirements of their positions.

With the new examinations in use since October 1984 it is possible to determine the actual level of linguistic skill of public servants. Figures show that this year more than half of them have the superior level or an exemption, a gain of 10% in two years, which we applaud.

Naturally, this improvement has been accompanied by a gradual raising of the linguistic level of positions, as seen in Table I.5. We are pleased to note that the percentage of positions at the elementary level continues to decline, in keeping with the thrust of our recommendation. Serious thinking should be done before assigning this level to a position. While it may be suitable in some cases involving the reading of simple documents, or even for certain elementary writing tasks, there are few oral interaction duties for which it might suffice.

Table I.4

Number and percentage of bilingual incumbents, by proficiency level, 1978 to 1989

Level	1978	1982	1986	1987	1988	1989
Elementary	9,334	9,051	5,737	4,647	4,935	5,155
(A)	25.6%	18.9%	10.2%	7.4%	8.2%	8.3%
Intermediate	22,034	33,045	43,182	25,272	19,870	18,572
(B)	60.5%	69.0%	76.9%	40.3%	33.0%	30.1%
Superior	2,175	3,825	5,214	7,932	8,083	8,469
(C)	6.0%	8.0%	9.3%	12.7%	13.4%	13.7%
Exemption	—	—	—	17,440	20,611	23,252
(E)				27.8%	34.3%	37.7%
Others	2,903	1,942	2,046	7,379	6,652	6,293
	7.9%	4.1%	3.6%	11.8%	11.1%	10.2%
Total	**36,446**	**47,873**	**56,179**	**62,670**	**60,151**	**61,741**

Source: Official Languages Information System.

Table I.5

Proficiency levels of bilingual positions, 1974 to 1989

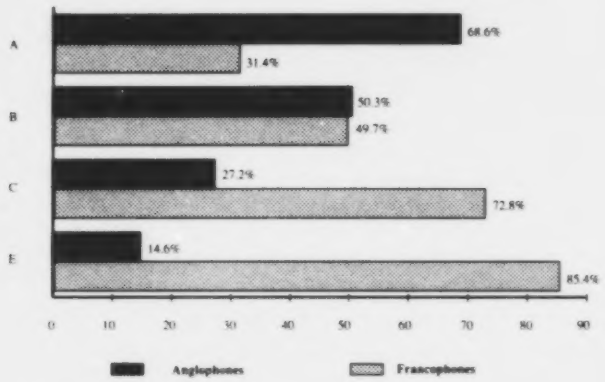
Level required	1974	1978	1982	1986	1989
Elementary	13,816	10,911	6,464	4,601	4,040
(A)	26.4%	18.7%	10.1%	7.6%	6.5%
Intermediate	30,983	40,895	49,758	46,374	47,409
(B)	59.3%	70.1%	77.7%	72.1%	76.8%
Superior	3,730	4,324	5,633	6,823	7,898
(C)	7.2%	7.4%	8.8%	11.4%	12.8%
Others	3,370	2,230	2,187	2,346	2,392
	7.1%	3.8%	3.3%	3.9%	3.9%
Total	**52,300**	**38,360**	**64,042**	**60,151**	**61,741**

Source: Official Languages Information System.

As Table I.6 shows, the distribution of the two linguistic groups goes hand in hand with the progression of proficiency levels. The differences between the groups have shown little change in the past three years but are becoming more marked in favour of Francophones. If we wish to achieve greater linguistic equity in the Public Service, these differences will clearly have to be reduced, for example, by a vigorous pursuit of language training.

Table I.6

Proficiency of incumbents of bilingual positions, by level and linguistic group, 1989



Source: Official Languages Information System.

All in all, taking into account the reservations we expressed above, there are grounds for satisfaction in the way this situation is developing.

Imperative staffing

All bilingual determinate positions (also known as "term" or temporary positions) are staffed imperatively since it would be unthinkable to consider language training for a short period of employment. As for appointments to bilingual indeterminate positions (sometimes called "permanent" positions), they are more and more often made imperatively: 44% in 1986, 48% in 1987, 53% in 1988, 56% in the first nine months of 1989. Some regard this increase as a proper return to normal, while others see it as an undue restriction. As is often the case in such debates, neither side is wrong. It cannot be regarded as unduly restrictive that the Public Service, in light of its obligations, requires bilingualism upon appointment in 19% of all cases of recruitment, regardless of the linguistic category of the position, when 29% of all positions are bilingual (determinate and indeterminate). For, in the end, when it comes to making a judgement on official language requirements at the time of staffing, it is all a matter of balance and, once again, of respect for Section 91.

Professional training (PSC)

Another aspect of the Act provides that in the designated bilingual regions the work environment must be conducive to the use of either official language by employees. Although no regulations have yet been issued to clarify this, it seems clear that one of the factors contributing to the creation of such an environment is professional training offered equitably in both official languages. While Francophones receive such training to an extent that exceeds their presence in the Public Service (33.3% compared to 28.3%), in a little over half the cases they attend these courses in English and this percentage is increasing. Indeed, it takes

tenacity to attend a course in French: 60% of those offered are cancelled, compared to only 20% of those in English. It is important to determine the causes of this discrepancy, in order to rectify it, especially if it is increasing. The remedies for this high cancellation rate will differ greatly depending on the causes in question, which include, among others, the language of work of the participants, the frequency, reliability and reputation of the courses, the cancellation rate of the sessions and inadequate marketing efforts. Unfortunately, we have no reason to believe that the training offered by the departments themselves (i.e., approximately 95% of all training) is more equitable, linguistically speaking, than that given by the Public Service Commission. Efforts have already been made, but we recommend that the Public Service Commission examine the overall situation and take the required measures to rectify it.

Language training (PSC)

Although the Treasury Board's annual report shows an increase in the overall volume of language training made available to departments and agencies in 1988-89 compared to the previous year, the Public Service Commission was still unable to meet the demand in 1989.

In fact, the Commission has a waiting list this year of nearly 600 candidates for intensive and continuous training in the National Capital Region. The situation, at first seen as temporary last year, has not only persisted but deteriorated this year. To cope with this heavy demand for intensive courses, the Commission was required to reassign its teachers to priority clients, thereby cancelling departmental agreements for training and specialized courses. Moreover, it had 33 groups in evening courses in the National Capital Region in 1988; this figure fell to eight in 1989.

This situation is all the more compromising since it occurs at a time when the departments must assume added responsibilities without having had the opportunity to make provision for their financial consequences. In fact, in 1989 few departments provided the resources required to meet the new obligations and are waiting instead to receive their share of the $6 million budget set aside under the new policy to pay for this training. However, this element of the policy will not take effect until April 1990. Still, more than last year, we must wonder whether Treasury Board has not reduced too quickly the resources devoted to language training, particularly those allocated to the Commission.

Courses designed to raise the language skills of senior managers from the intermediate to the superior level were pursued. However, at the rate at which the departments are using these courses (80 places out of 200), it will take much longer than the next eight years to reach the objectives. Does this lack of eagerness betray a want of commitment on the part of the departments? The systematic follow-up of the letters of understanding will provide us with an answer to this question. The inadequate level of bilingualism of this important link in the chain is a significant obstacle to the establishment of an equitable system with

regard to language of work. Moreover, the 25 person-years earmarked for conducting language training follow-up strategies were integrated into the staff of departments during the year.

We have just completed the first part of the study of the Public Service Commission's language training program. The report contains recommendations designed to assist the Commission in asserting more vigorous leadership in this area, for example with regard to new technologies and the need for an opening outward by reinstituting dialogue with universities, colleges and the private sector. The report also emphasizes the need to pursue our study in certain key sectors such as the retention of skills after training and the importance of maintaining generous access to language training.

Nineteen eighty-nine was the 25th anniversary of the language training program, a quarter of a century that deserves commemoration. Indeed, it is quite proper to pay tribute to the hundreds of teachers and thousands of students who have made it possible for Government to discharge its responsibilities in this area. Whenever a significant landmark is passed, it is appropriate to take stock. Thus, if we look at the number of public servants trained between 1974 and 1988 (Table I.7), we see that 81.7% of them achieved the desired level. The program has made it possible for more than 31,000 Canadians to become bilingual. The 14,000 employees who have left the Public Service most likely use their second language to some extent, as do the 9,000 bilingual incumbents who fill unilingual positions. In addition, the latter will sooner or later find themselves in a bilingual position. As for those who did not succeed, they will at least have been made more aware of their second language and of the other linguistic group. To how many unilingual Canadians has language training opened the doors to the Public Service? In addition to the direct impact on the federal administration, there are also indirect effects: how many public servants have attended language courses at their own expense? How many students have enrolled their children in immersion programs? Then there are the repercussions on the national and international levels of the educational work done by the Public Service Commission. For all these reasons, we believe that this program, though often criticized, has been indispensable.

We cannot ignore the fact that, at present, only 28% of former students have the required level of bilingualism. While the fact that 61% of the students trained have left the Public Service or now fill unilingual positions does not constitute a useful criterion for evaluating the language training program, nevertheless, the overall figure of 28% of "useful bilingual employees" raises questions. It might also be asked what the return on professional training would be, if it could be measured.

Some components of the new policy on language training, published in 1988, came into force in 1989. Thus, since April 1, employees have officially had the

Table I.7

Status of public servants who received second-language training at Government expense, 1974 to 1988

Public servants	Number	% of total
Trained	38,232	
Passed	31,247	81.7
Left the Public Service	14,103	36.9
Still in the Public Service	24,129	63.1
In unilingual positions	9,169	24.0
In bilingual positions	14,960	39.1
Bilingual incumbents in bilingual positions[1]	10,722	28.0

[1] Who meet the language requirements of their position.

Source: Information module on language training.

duty to use and improve the knowledge they acquired at Government expense. Federal agencies, for their part, are required to provide working conditions conducive to the enhancement of these skills.

This twofold obligation, which we hailed last year, has the great merit of combining respect for the Act with common sense. The taxpayer is, after all, entitled to expect that public servants will make profitable use of the training provided at public expense.

The new training durations came into effect on September 1, 1989, (1,000 hours to reach the elementary, 1,300 for the intermediate, and 1,860 for the superior level), as did the terms of training for statutory requirements and resource planning requirements. However, it is the April 1, 1990, schedule that will have the greatest impact. As of that date, institutions will have to assume certain costs of language training, whether procured from private enterprise or from the Public Service Commission. The latter will bill institutions for any training not related to statutory or general requirements and its operations will be profoundly affected by this change, for which it is now actively preparing.

The second quarter of a century of language training thus begins against the background of decentralized financing and competition. It is essential, however, in our opinion, not to restrict the vision of language training to the search for a lower cost per hour of teaching; it is important to consider the entire process and take into account qualitative aspects, as we have already pointed out.

Linguistic evaluation

Second-language evaluation (SLE) is the institutional element of the measurement of bilingualism in the Public Service. We noted in 1987 and 1988 a drop in

the SLE success rate from 82% to 76%. This drop seems to have continued in 1989, and this led the Commission to undertake a study of the factors that may have had an impact on the success rate.

The study's preliminary results indicate that this drop may be attributable to a combination of factors rather than to a change in the testing standard. The Commission took measures to rectify the situation through internal controls and by introducing additional training for evaluators. We intend to examine this issue more closely in the second phase of our study of the language training program.

Receptive bilingualism

In connection with our recommendation of last year, we undertook, in co-operation with the Programs Development Division of the Public Service Commission, to elucidate certain aspects of receptive bilingualism.

It must first of all be borne in mind that the concept of receptive bilingualism is related to certain aspects of language of work and can in no way be applied to the concepts of service to the public or supervision. It provides a partial answer to the question of how to ensure that, in a given work environment in a designated bilingual region, members of both linguistic communities can simultaneously exercise the right guaranteed by the Act to work in the official language of their choice. A possible solution to this challenge is for all to have sufficient knowledge of their second language to understand their interlocutor or read a document.

It goes without saying that it is necessary to be aware of the natural limits of such an ability: it clearly does not lend itself to all verbal exchanges, should under no circumstances lead to a rigid system of the "receptive bilingual position" or "receptive bilingualism bonus" type and calls for leadership from management as well as for the good will of employees. While it is not a panacea, receptive bilingualism should be included among the measures that allow for the creation of work environments conducive to the effective use of both official languages.

During the coming year we shall be conducting a study — in which representatives of university and administrative circles will participate — with the aim of proposing a concerted approach to receptive bilingualism in the Public Service.

Bilingualism bonus

The second phase of the bonus confirmation process was completed on March 31, 1989, and the end of the third phase, on March 31, 1990, will mark the completion of this useful updating. Between January 1 and December 31, 1989, 11,274 public servants were evaluated; 10,148, or 90%, met the language requirements of their positions, and 1,126 failed at the desired level. Employees who do not meet the desired level may still attend a 200- or 400-hour make-up course before taking the examination again. In all, 664 people (only six of them for 400 hours) have attended these courses since their inception, but the success rate on the test remains low even after these last-chance reviews.

The awarding of a bilingualism bonus may originally have been a positive measure, but, over time, it has proven to be more of an obstacle to a fair linguistic designation of positions and a source of inequities within the Public Service than real compensation for the additional problems resulting from work in both languages. Only the development of a system of remuneration that truly takes these problems into account would enable Government, in consultation with the unions, gradually to eliminate the bonus in its current form. This might be accomplished either by eliminating it when incumbents leave bilingual positions in the categories where it is not justified, or by gradually reducing, in the same categories, the sum paid, so as to cause its elimination in four or five years.

Would we then see a redistribution of service functions between "French essential" and "English essential" positions, as the Treasury Board has already recommended? This would be another way of respecting the spirit of Section 91 of the Official Languages Act. In any event, it is important to reassess the bilingualism bonus system, as we reiterated in the recommendation in our 1988 Annual Report.

Translation (Secretary of State)

In this regard the Treasury Board deserves congratulations. In anticipation of ever-increasing demand, which has, however, been limited for some years by the envelope system, budgets allocated for translation were substantially increased in 1989. Thus, the overall official languages translation envelope made available to the departments increased by 10%, rising from 213 million words in 1988 to 235 million in 1989. The Treasury Board clearly found it advisable to increase budgets in accordance with higher demand in order to enable departments to cope with the new obligations arising from the Act. This increase took the form of greater reliance on the private sector for translation; its share rose from 30% in 1988-89 to a forecast share of 35% in 1989-90. The Government's recent decision to increase reliance on the private sector to 50% by 1993-94 will no doubt put a great deal of pressure on the Department of the Secretary of State since a study shows that the demand for translation services is so great that a shortage of qualified translators is feared in the near future.

With respect to interpretation, 1989 saw a definite improvement in the availability of service to the departments. The rate of denial of interpretation services, which had been 14% in 1988, was reduced to 2% in 1989. At about 50%, recourse to the private sector in this area has remained essentially the same in recent years.

The Department of the Secretary of State, moreover, continued to show interest in computer-assisted translation by participating in joint projects with various departments. These projects, to be sure, are not likely to result in any short-term breakthroughs, but they enable the Department to keep abreast of the most recent developments and to play its leadership role in this field.

The studies conducted on the evaluation of official languages services (Price Waterhouse) and on enlarging the pool of freelances (Charpentier) led the Department of the Secretary of State to adopt an action plan that it has begun to implement. Thus, in 1989 we saw the deregulation of rates for interpretation services, which is intended to provide the Department with better access to the pool of freelance interpreters.

With regard to the provision of translation services, the Department of the Secretary of State is examining the possibility of serving departments and agencies by billing them for services. Client departments would then become more aware of the costs of the service requested, and this would help to make them accountable for their management of translation. Such a step would be in keeping with the regime of Increased Ministerial Authority and Accountability, which has similar objectives. The implementation of such a system would have the advantage of replacing the system of envelopes of words for assigning translation resources. This system has become outmoded and uses valuable resources that could be devoted to meeting other more pressing needs.

4. Federal Policies and Programs: A Two-Speed Engine

b. Minority Support, Promotion of Official Languages and Research

Part VII of the 1988 Official Languages Act assigns the Department of the Secretary of State a two-fold role: "enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development" and "fostering the full recognition and use of both English and French in Canadian society." The role of the Secretary of State, which was already extremely important in terms of defending, promoting and enhancing the official languages and the minorities that speak them, is thereby strengthened. An analysis of the way in which, in our view, the Department of the Secretary of State has discharged its added responsibilities serves as a useful introduction to our chapters on the minorities and education.

Secretary of State's role

The wording of Part VII of the Act provides clear benchmarks for the activities of the Department of the Secretary of State. In our 1988 Annual Report we translated some of the principal obligations that the Act imposes on the Department into recommendations for specific action. In particular, we called for the development of an ongoing communications program and suggested studies to enable Government to ensure that its policies and practices contribute fully to concrete implementation of the Act. We also recommended that the Department continue to negotiate federal-provincial framework agreements, promote instruction in the minority language and develop an action plan to ensure that other federal institutions follow through on their efforts to serve minorities. Finally, we recommended that second-language instruction programs be encouraged and that the bilingual character of the National Capital Region be strengthened in accordance with the Act.

How has the Department of the Secretary of State fulfilled the very sizeable mandate assigned to it by Parliament? Its task is not easy because the ramifications are many and the areas of activity diverse. Some of its roles also have a policy aspect as distinguished from program implementation and administration. This diversity, moreover, explains our initial reaction that its achievements in several areas have been impressive. In some others work has barely begun. This section cannot describe all the activities carried out by the Department of the

Secretary of State, especially since it now reports on them itself. Our purpose here is to take up the major themes and attempt to arrive at some conclusions for the future. References to many specific activities deserving of notice are found in Parts IV and V.

Annual Report

Section 44 of the Act states that the Secretary of State shall "submit an annual report to Parliament on the matters relating to official languages for which he is responsible." The first report, submitted in December 1989, sketched a broad panorama of the Department's programs and achievements in official languages in recent years and then listed its accomplishments for fiscal 1988-89. The report clearly places linguistic duality in a perspective of national identity. It explicitly acknowledges that much remains to be done, in terms of communications, to explain this duality and promote greater harmony between linguistic communities. The report, whose year coincides only in part with ours, is a valuable source text that essentially takes stock, as it is intended to do, of the Department's activities and accomplishments.

Minorities

Federal-provincial / territorial agreements

One of the principal tools of the Department of the Secretary of State, particularly in regard to enhancing the vitality of the English and French minority communities and supporting their development, is the conclusion of both framework and co-operation agreements with the provinces and territories. The record of achievement in 1989 is less impressive than in 1988, but is still good. In 1989 the Department concluded five agreements and five more limited accords, details of which are found in Part IV, Chapter 1. The funding for a great many projects arising from these agreements was provided through the creation in June 1988 of a special development fund. We are beginning to see the fruits of this renewed effort at federal-provincial co-operation designed to provide services to the minority communities in areas other than education, in particular the development of human resources. The groundwork, however, is not yet complete, and we hope other provincial governments will join in what has so far proven to be a most worthwhile endeavour.

Education

Our chapters on the minorities and on education focus more closely on the activities of the Department of the Secretary of State in this area. We will here merely highlight some of the most noteworthy features.

Letter of understanding

The *Protocol for Agreements between the Government of Canada and the Provincial Governments on Minority Language Education and Second-Language Instruction* was signed in November 1988. It was followed by individual agreements with all the provinces and both territories which adapt the major

thrust of this five-year agreement to regional or local realities. In the Protocol, the provincial and federal governments agreed on certain "strategic priorities". These include better provision of educational services in the minority language, increased French-language educational services at the post-secondary level, expansion of teacher training programs, development and improvement of core second-language programs, and, expansion of French immersion programs. Coupled with the constitutional guarantees of the Charter on educational rights, as clarified by various court decisions and the gradual extension of acquired rights, these priorities which all governments have agreed on for the first time, provide an outline for a national framework program in certain areas related to official language instruction. We applaud this achievement, even if the road between intentions and reality is too often a long and winding one.

Interdepartmental co-ordination

One component of the mandate assigned to the Secretary of State by the 1988 Act is to "encourage and promote a co-ordinated approach to the implementation by federal institutions of the commitments...to enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development and fostering the full recognition and use of both English and French in Canadian society". (Sections 41 and 42). The Official Languages Secretariat, established by the Department to set the pace, tackled this task vigorously. The highlights of its activities are examined in our chapter on the minorities, which also contains recommendations proposing certain approaches, instruments and mechanisms to the Department to make federal institutions more aware of their responsibilities toward minorities. (See Part IV, Chapter 1.)

We also believe that the Department, in co-operation with the Treasury Board, should, in addition to its specific initiatives in this area, develop policies and directives on the responsibilities of the various departments with regard to enhancing the vitality of the minorities and promoting the official languages. In particular, these policies should set out more clearly the line of demarcation between the responsibilities of the Department of the Secretary of State and those of service departments.

In addition, the Department is looking into the possibility of establishing a forum to bring together the Secretary of State and provincial ministers responsible for language matters. It appears that some provincial ministers have already expressed interest in the creation of such a forum for consultation and discussion. We hope this project takes shape quickly.

Community radio

The Department's Official Languages Community Radio Program provides various forms of assistance to a large number of local projects. These include Radio Océan in St. John's, the Niagara Peninsula's community radio, that of Rivière Saint-Augustin (which offers the isolated Anglophone community of Quebec's Lower North Shore 52.5 hours of programming a week), and the French-

language educational radio project in seven Franco-Manitoban schools. Such assistance can be in the form of financial support for marketing and feasibility studies, preparation of facilities, staff training, and so on. The program also contributed to a number of national projects undertaken by the Fédération des jeunes Canadiens français. These range from the design and construction of mobile radio units to a feasibility study for the establishment of a satellite network. We encourage a continuation and strengthening of such activities since radio is often one of the very few effective means of overcoming the isolation of certain small minority communities.

Promotion of official languages in society

Private sector and voluntary organizations

The second major component of the Department of the Secretary of State's official languages activities is "fostering the full recognition and use of both English and French in Canadian society". This is not a new responsibility, but it received validation and support from the Act. Section 43(1)(f) of the Act states that the Department shall take measures "to encourage...the business community, labour organizations, voluntary organizations and other organizations or institutions to provide services in both English and French and to foster the recognition and use of those languages." Many projects, particularly those submitted by voluntary organizations, receive assistance on an individual basis. Officials are examining the possibility of assigning advisers to some associations for short periods to help them plan their official languages strategies, or of forming a committee of assistant under-secretaries of state within the Department to study additional costs that some voluntary organizations might have to assume in order to provide services in both languages. Consideration is also being given to offering organizations training and terminology services as well as resource persons in sectors such as translation and interpretation.

Seventy-five national voluntary organizations have benefited from Secretary of State Department's assistance. Contacts have been established with some provincial governments to co-ordinate initiatives in these areas. The Canadian Society of Association Executives, which includes executives from the private and voluntary sectors, is committed to encouraging its members to give consideration to linguistic duality in their activities. Certain exchange programs for young Canadians sponsored by the Department of the Secretary of State to familiarize them with the language and culture of the other language group should receive additional assistance. Examples include exchanges sponsored by the Society for Educational Visits and Exchanges in Canada (SEVEC), whose activities are discussed in our chapter on education, and the "Hospitality Canada" program, whose popularity is unflagging.

These are worthwhile but still insufficient measures. We believe there is a need for creative thinking, especially in regard to the private sector, where progress is not as visible as in the voluntary sector.

A vision of the future and a comprehensive strategy would create a co-ordinated approach to what thus far seem to have been convergent but isolated actions. The recommendations of "The Language of Business and the Business of Language" colloquium held in Ottawa in 1988, which we examined in our last Report, already point the way towards formulation of such a strategy. They should be re-examined. The promotion of our linguistic duality will never be fully successful so long as such an important component of Canadian society does not join the team.

National Capital Region

The situation in the National Capital Region (NCR), to which we devoted a full chapter in our last Annual Report, seemed to us to require concerted action. We recommended an agreement between the Department of the Secretary of State and the National Capital Commission (NCC) "to develop a mechanism to ensure greater co-operation among authorities and interested parties to strengthen the bilingual character of the National Capital Region". We had also asked the Department of the Secretary of State to "consider developing framework agreements with the provinces of Ontario and Quebec to foster...the full recognition of linguistic duality and the recognition and use of both English and French in the National Capital Region." Little progress has been made on either of these fronts. There have indeed been a few meetings between Secretary of State officials and the NCC, and a bipartite working group was formed, but the results have not been impressive. No mechanism has been put in place and no move made to go beyond the possibility of organizing workshops for the private sector in the NCR to increase its awareness of the need to improve service to official language minority communities. Nor have there been intergovernmental discussions. We note, however, that in the wake of our recommendations, Claude Ryan, the Quebec Minister of Education and Minister responsible for the Charter of the French Language, sent one of his senior officials, Jean-Claude Rondeau, to the Outaouais toward the end of the year. Mr. Rondeau's mission was to consult with various figures in the region to examine the possibility of improving services for the Anglophone minority. The study we commissioned last year showed that qualified human resources already exist in many sectors.

The National Capital Region, we repeat, is one of the places where Canadian linguistic duality is most visible. We hope that the meeting scheduled for January 1990 between the Secretary of State and the Chairman of the National Capital Commission will give renewed impetus to efforts to enhance the NCR's symbolic value. We strongly urge the Department of the Secretary of State to follow through without delay on its plans to conclude a memorandum of understanding with the NCC. The question of official languages in the Region could also be discussed at the forum of federal and provincial ministers responsible for language issues mentioned above. There is no reason to believe that Ontario would refuse to be part of such a co-operative effort.

Communications

We clearly indicated in our 1988 Annual Report that an energetic and comprehensive communications strategy was called for to better inform Canadians of the vital role played by official languages in defining their identity, the enrichment they offer in social and personal terms and the opportunities they open up in trade and diplomacy. Recent efforts by the Department of the Secretary of State to pursue a comprehensive strategy seem to be part of a more integrated attempt, co-ordinated at various levels, to deal with the problem of informing the public and not leaving unanswered the present campaign to denigrate linguistic duality and institutional bilingualism.

In the second half of the year the Department of the Secretary of State planned or carried through on a number of communications projects of its own:

- preparation of an information kit on Secretary of State Department official languages programs;
- possible production of two videotapes, one of a general nature on linguistic duality, the other more specifically concerned with the Department's co-ordinating role;
- preparation of a publication on official languages in education programs and brochures on promotion of official languages programs;
- possibility of a promotional campaign in the electronic media;
- funding, through the Language Training Program, of initiatives taken by groups and associations;
- imminent publication of a list of Government of Canada programs pertinent to the development of official language communities that will enable minority communities to obtain more quickly a more comprehensive idea of the major financial or technical resources available from the federal government.

These projects will definitely serve a purpose. Only strategic planning at the government level, coupled with action by politicians, ministers and, in particular, public servants, will, in our opinion, make it possible to provide adequate answers to the official languages issues raised among large segments of the population, to more effectively communicate the spirit and sometimes even the letter of the 1988 Act and, finally, to demonstrate that English and French constitute an asset that society as a whole must protect and promote. Action along these lines would be in keeping with our recommendation of last year, which seems to us to have taken on added urgency in 1989.

Would the formation of a Canadian Council on Official Languages, already announced by the Secretary of State on a number of occasions, strengthen this communications effort? Perhaps. We fear, however, that the multiplicity of actors on an already crowded stage could end by obscuring or weakening the message. We have indicated, in Part I, Chapter 1, why we think it would be wise for the Standing Joint Committee on Official Languages to be asked its opinion about the terms of reference and activities of such a Council.

Some landmarks in current research

Change, in language as in any other social field, is dependent on further research. New phenomena emerge, others change. Problems hardly given a thought suddenly confront Parliament and Government. How is it possible to anticipate these problems, define their various aspects, study their complexity and envisage solutions? Research becomes an essential tool and plays an important role in defining areas where information and communications are lacking and where more promotional activities are needed for the general population and specialized publics. It thus becomes a tool for policy development and communication. The various actors on the language scene have become increasingly aware of this in recent years. We ourselves have a number of research projects under way, as has the Department of the Secretary of State. When possible, we have joined forces to jointly commission some of these studies.

The research projects now under way or already completed cover a vast array of topics:

- the educational rights of minorities;
- linguistic attitudes and behaviour in the National Capital Region;
- the economic status of various language groups in Canada;
- a series of monographs on minority groups in all provinces and territories;
- retention of second-language skills;
- an analytic review and critique of opinion polls and surveys on official languages conducted in Canada since the early 1980s.

Demolinguistic trends

In our 1988 Annual Report we mentioned a study session on "Demolinguistic Trends and the Evolution of Canadian Institutions", sponsored jointly by the Department of the Secretary of State and the Office of the Commissioner and held in Hull on February 10, 1989. The starting point for the session was a study by demographer Réjean Lachapelle and economist Gilles Grenier, who examined demolinguistic trends in Canada as part of a major study entitled "Review

of Demography and its Implications for Economic and Social Policy", sponsored by Health and Welfare Canada. Their conclusions were sent to various eminent researchers in all regions of Canada — linguists, demographers, historians, economists and constitutional experts. At the study session they exchanged views, sometimes very spiritedly. The discussions seemed to us sufficiently interesting to merit publication and, jointly with the Department of the Secretary of State, we funded the publication by the Association of Canadian Studies of the proceedings of the study session. These proceedings will be issued early in 1990 and we hope that they will receive careful attention.

Linguistic module of the General Social Survey

We are still awaiting the final report of the linguistic module of the General Social Survey undertaken by Statistics Canada in 1986. This study consisted of a very long and detailed questionnaire about the linguistic behaviour of nearly 16,500 respondents. Its special interest lies in the fact that the questions did not seek to capture a static moment but rather the changes in such behaviour over time. The essential value of this analysis is its effort to clarify the why and the how of certain linguistic transfers. Statistics Canada has already made the data public, but an analysis is to follow. Officials of the Department have frequently explained that delays are due to the complexity of the data and the technical difficulty of processing and analysing them. While we understand these problems, we can only regret the extraordinary delay in the appearance of a study that should be one of the most comprehensive and interesting done on language in Canada in recent years.

"Towards 1992"

Lastly, it should be noted that at the colloquium organized by the Department of the Secretary of State and the National Capital Commission in October 1989 and entitled "Towards 1992", which was intended to examine plans for the celebration of the 125th anniversary of Confederation, we stressed the need to bear in mind the official languages dimension of the celebrations and their planning. This not only reflects official policy but will also make the celebrations more authentic and heartfelt if they are carried out in both official languages.

These activities were directly in keeping with our often expressed concerns about linguistic shortcomings in the conduct of major national or international events. Our study on this topic was submitted in 1989 to the Standing Joint Committee on Official Languages. In it we stressed the fact that the official languages should enjoy their rightful place not only at the sites of events but also in public areas and services (signage, information services, advertising, etc.) provided by the host city or province. In August 1989 the Treasury Board published a booklet entitled "Welcome" that discusses how to take full advantage of both official languages at popular national or international events.

PART II

Analysis — Equality in Federal Institutions

Clippity Clop

Introduction
The Ombudsman and the Citizen: Grounds for Complaint

The significant increase in complaints received and investigations conducted in 1989, the first full year in which Canadians enjoyed expanded rights under the new Official Languages Act, indicates that there has not yet been any significant improvement in federal official language services. Complaints continue to tell of rights denied and our investigations into the systemic causes of recurring infractions show little change in the status quo. For most public servants and Crown corporation employees, it seems, the new Act has been one of the best-kept secrets of 1989.

The following pages review the trends of 1989 and illustrate representative complaints received by our Office. They explore factors that led to the successful resolution of some cases and the reasons why others are still unresolved. They also show how some of the principles of the ombudsman approach were reflected in our investigations.

Trends in 1989

The total number of complaints rose by 25.3%, from 2,189 in 1988 to 2,743 in 1989. Of these, 356 were refused upon receipt, and our investigations into a further 148 were discontinued. In most cases, a complaint is refused or an investigation discontinued because there has been no infraction of the Act, the complainant's allegations are not substantiated or the topic of the complaint is found to lie outside the Commissioner's jurisdiction. In 1989, 45 of the latter were referred to provincial or, occasionally, municipal authorities, some with very satisfactory results.

Of the 2,387 complaints accepted for investigation, 2,085 (87.3%) concerned aspects of service to the public. Much of this 27.4% increase may be attributed to two promotional efforts concerning the 1988 Official Languages Act undertaken by our Office in 1989: a campaign in minority official language newspapers across the country on the theme "Know Your Rights", and two special

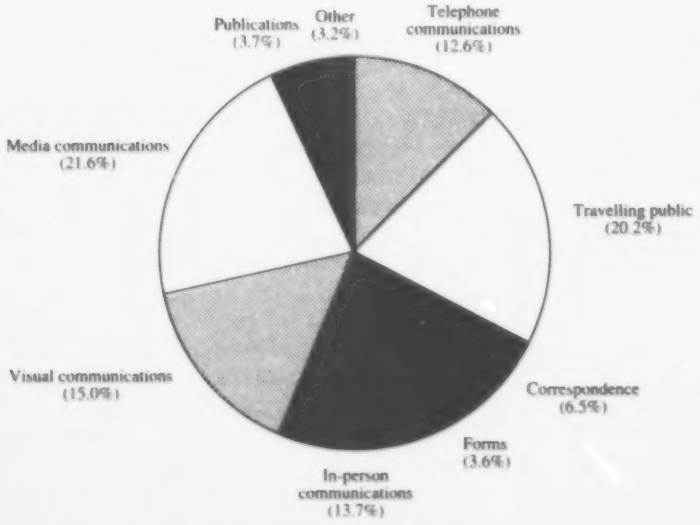
newspaper supplements, co-sponsored with the Secretary of State's Department and the English- and French-language minority press associations.

Since it is service in French that is most often unavailable, many more complaints are received from Francophones than from Anglophones, the ratio in past years averaging 90% to 10%. The 1989 figures were similar: 2,070 (86.7%) compared to 317 (13.3%). However, the 317 accepted complaints from Anglophones represent a 62.5% increase overall. Surveys of Anglophone groups in Quebec have shown that, as is the case elsewhere, relatively few of their members are likely to complain: they are not yet sufficiently aware of their language rights and many say they are afraid to "rock the boat" by complaining about absence of service in English. Nevertheless, complaints from English-speaking Quebecers rose 42.3% (from 97 in 1988 to 138 in 1989), while those from French-speaking Quebecers declined 12.1% (from 173 to 152). In the rest of Canada, awareness of language issues seems to be similarly on the rise. Every one of our regional offices logged an increase in complaints; in the Atlantic region, they rose by 43.4% (from 484 to 694), while our two western regions saw an increase of 51.9% (from 372 to 565).

Topics of complaints about language of service are illustrated in Figure 1. They ran the gamut of possible contacts between members of the public and federal institutions. A total of 450 concerned communications through the media that were either in one language only or failed in some manner to reflect the equality

Figure 1

Language of service (1989): substantiated complaints

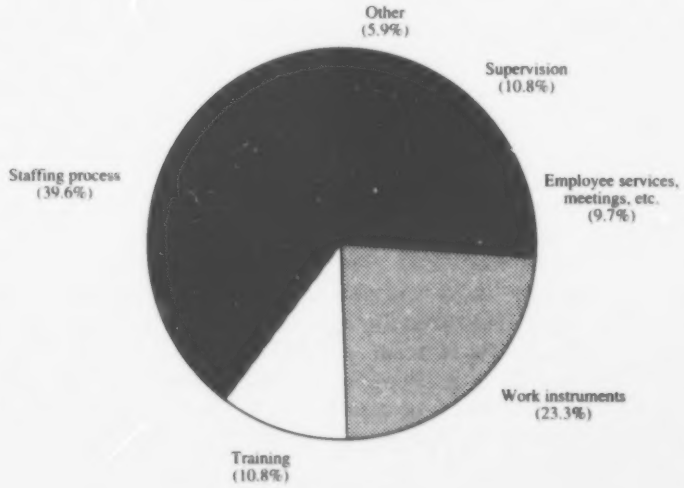


of status of the two languages. Some 400 complaints came from Canadians whose language rights were infringed while they were travelling. Errors in signage accounted for over 300 complaints and 260 more resulted from problems in telephone reception and service. Errors in the language of written correspondence produced 135 complaints and, surprisingly, in the year when the blue English-French symbols developed by the Treasury Board Secretariat came into general use in offices across the country, in-person communications led to a further 266.

Complaints about language of work increased from 127 in 1988 to 172 in 1989. A common topic, work instruments in one language only, led to 62 complaints. Other topics are shown in Figure 2. Awareness of language of work rights is growing and we expect this trend to continue, particularly once materials developed by our Office to explain the 1988 legislation to employees of federal institutions become available for general use early in 1990. Complaints based upon Section 91 of the Act, the application of official languages requirements to staffing actions, have stayed fairly constant since adoption of the new Act, going from 25 in the last three months of 1988 to 93 in the whole of 1989.

Figure 2

Language of work (1989): substantiated complaints



A study concluded toward the end of 1989 showed that, in terms of complaint resolution generally, there is cause for some modest optimism. We followed up on a selection of language of service complaints from previous years from every region of the country. In 74% of the 383 cases studied, the cause of the

complaint had been resolved. In another 13% of cases, the complaint was still under study and corrective measures could reasonably still be expected. The proportion of resolved complaints was highest in the more bilingual regions: 89% in the National Capital Region, 85% in Quebec, 80% in Ontario and 78% in New Brunswick.

One of the most important rights accorded by the 1988 Official Languages Act is that of a complainant or, with a complainant's consent, of the Commissioner, to seek remedy from the Federal Court for an unresolved complaint. This recourse was not exercised in 1989, partly because of the relatively brief existence of the new Act and more importantly because regulations under the Act have still not been tabled, leaving many Canadians unaware of their exact rights and some sections of the Act virtually unenforceable. The main reason, however, was that the two key ingredients for court action, a complainant wanting to pursue a case and an institution obdurately refusing to take steps to resolve it, did not appear together in 1989. However, the manner in which a number of complex cases have been handled since the Act came into effect and the improved ratio of cases resolved (three of four compared to one of two previously), suggest that the very existence of the court remedy provision may be sufficient to resolve problems in ways that could only have been hoped for before 1988.

Case studies

1. The language on the label

The language of packaging and labelling of retail products has long been the subject of complaints to this Office. A complex maze of federal legislation and regulations governs this issue. Generally speaking, the Consumer Packaging and Labelling Act, administered by the **Department of Consumer and Corporate Affairs**, makes three stipulations with regard to language: the generic name of the product, the quantity and, in some circumstances, the manufacturer's name and address must appear in both official languages. The Food and Drug Act, administered partly by Consumer and Corporate Affairs and partly by **Health and Welfare Canada**, and the Hazardous Products Act, also falling under Consumer and Corporate Affairs, have further requirements for certain classes of product. The issue is further complicated by regulations which date from 1974 and are administered by both these departments.

Our practice has been to refer complaints that were clearly infractions of one of these acts or regulations to the responsible department. Complaints that other important information such as directions for assembly and use, maintenance instructions, warranty information, etc., were in one language only have had to be treated as relating to the private sector and consequently outside the Commissioner's jurisdiction. We have always intervened when possible, sometimes with

positive results, but results have depended more upon the good will of the producer of the item than on the law.

Since the volume of American and other foreign products entering the country has increased, it has become a source of concern to Canadian manufacturers that the language requirements of existing legislation are not being complied with. The volume of complaints and information requests on this topic has risen sharply, from nine in 1988 to 68 by the end of 1989. Our 1989 investigations reveal that the health, safety and security of members of the public are at issue in most of these cases, some of which are particularly serious in nature. An item of American-produced farm equipment, a hay baler quite clearly potentially dangerous to an inexperienced or uninformed user, was being sold in the Lac-St-Jean region of Quebec with no French-language instructions. In our view, this constitutes an infraction of the spirit of Section 26 of the Official Languages Act. A dishwashing detergent produced in Minnesota stated on its label "Harmful if swallowed; eye and skin irritant; keep out of the reach of children; if swallowed drink water or milk and consult a physician." None of these warnings was in French. In this case, following our intervention with Consumer and Corporate Affairs, the product was found to contravene the Hazardous Products Act and was withdrawn from the market.

Our investigations of these and similar complaints have revealed a two-fold problem, both elements of which demand attention. The 1988 Official Languages Act, which takes primacy over other legislation, sheds new light on the situation. Section 26 requires every federal institution that regulates third-party activities relating to the health, safety or security of the public to ensure that the public can communicate with and obtain services from these other organizations in both languages. Section 57 empowers the Commissioner to review any regulations or directives that may affect the status or use of the official languages and to comment on his findings in either an annual or a special report to Parliament. The need for a review of legislation and regulations governing the language of packaging and labelling in light of Section 26 has become clear and such a review by the Commissioner, as provided for under Section 57, has already begun. At the same time, it has become apparent that neither **Revenue Canada (Customs and Excise)** nor Consumer and Corporate Affairs has sufficient staff at the present time to adequately control the labelling of imported products, even under existing legislation and regulations, either at their point of entry to Canada or at their point of sale. Despite our having conveyed these findings to the departments concerned, no corrective action appears imminent.

On the positive side, manufacturers and importers of medical devices were invited at year's end by the Health Protection Branch of Health and Welfare Canada to comment on revisions to the proposed Medical Services Regulations to bring them into line with the new Official Languages Act. We hope to publish the

findings of our reviews in the first half of 1990 and subsequently to report more specific corrective measures to our complainants once Parliament has considered our recommendations for legislative and regulatory change.

2. Language of emergency announcements in the air

When passengers on an **Air Canada** flight about to land in Vancouver on January 14, 1987, were warned by the pilot that the aircraft's landing gear was defective and that they should therefore prepare for an emergency landing, a Francophone passenger was outraged that this and other related announcements were made in English only. At year's end, this case was still unresolved.

Our letter to the president of the airline stressed the gravity of the situation, pointing out that it illustrated yet again the need for bilingual personnel on every flight and suggesting that, even when this is the case, there is a need for firm directives that even unforeseen announcements must be given in both official languages.

Air Canada's reply confirmed that the announcements had indeed been in English only despite the existence of bilingual capacity among the crew. It explained that in view of the urgency of the situation, the crew had followed standing orders which, in full compliance with **Transport Canada**'s approved safety procedures, permit such announcements to be made in English only. Upon further investigation, we found that Transport Canada's General Emergency Information Manual, while calling upon flight attendants to exercise judgement, does recognize that when time constraints permit an announcement to be made once only, the announcement should be in the language understood by the majority, English.

Although we did not find this explanation entirely satisfactory, in the circumstances we had little choice but to inform our complainants accordingly. Nevertheless, we pursued the issue with the Minister of Transport, reaffirming our position that safety announcements should be in both official languages. On December 5, 1989, the Minister, Benoît Bouchard, appearing before the Standing Joint Committee on Official Languages, made a commitment to the effect that a new regulation on safety announcements on flights originating or landing on Canadian territory will be made public in the first six months of 1990. At the time of writing, this regulation had been developed and was being reviewed by the Department of Justice.

3. Institutional, not individual, bilingualism required

The **House of Commons Standing Committee on Consumer and Corporate Affairs and Government Operations** was the subject of widespread media coverage in 1989 when it refused to hear a brief from the Consumers Associa-

tion of Canada on the grounds that, although the brief itself was in English and French, the speaking notes used by the Association's president and circulated to committee members were in English only. Committee members were vocal in their defence of bilingualism and one went so far as to describe the Association's actions as "an insult to the French language." Within a few days four complaints were received by our Office — not, however, based on the Association's action but because the complainants, evidently familiar with the Charter of Rights and Freedoms and the Official Languages Act, held that these pieces of legislation guarantee the right of citizens to address Parliament in either official language.

We raised the matter with the Speaker of the House of Commons, indicating that we believed there was reason to question whether the Committee's decision complied with the Official Languages Act. We were informed that the Committee Chairman had requested a legal ruling and had been informed by the office of the Law Clerk and Parliamentary Counsel that the Association clearly had the right to make its presentation in the official language of its choice.

In his response to our letter, the Speaker, commenting on the fact that the Chairman had immediately released the legal opinion to the media, suggested that this was an indication that the Committee recognized it had overstepped its authority. This investigation thus reaffirmed that, contrary to the opinions frequently expressed by some critics, the Official Languages Act does not require bilingualism from individuals or groups of citizens, but rather protects their right to communicate with institutions of the Parliament and Government of Canada in either official language, as they see fit.

4. Language requirements in staffing actions

Our investigations of complaints under Section 91 of the Act are seldom straightforward. In most cases, they require interviews with managers and employees and a careful assessment of position requirements in terms of service to the public, supervision and services to other employees. In 75 of the 93 cases investigated (80.6%), we found that language requirements had been properly applied and that no infraction had occurred. While this was reassuring to us and a cause for satisfaction for managers and staffing officers, a number of cases revealed that the objectivity required by Section 91 had not been exercised. A case not yet resolved illustrates the complexity of these issues and gives some idea of the time and energy such investigations can require. This case also placed our Office in the unusual position of arguing against a department's desire to designate a position bilingual.

When it re-organized its Charlottetown office the **Department of Supply and Services** designated a middle management position bilingual at the highest level of second-language proficiency. Since candidates were required to be bilingual upon appointment, the unilingual employee who had been performing the duties

of the position for the previous six months was denied an opportunity to compete for it and consequently lodged a complaint under Section 91.

Following an on-site investigation, we concluded that the employee in this position was not the one most likely to be called upon to provide services to the public in either language and consequently that the bilingual imperative designation had indeed not been applied in response to objective requirements of the position.

In two meetings between departmental authorities and officials of our Office the Department formulated its reasons, in writing, for the designation of the position. We invited the complainant to comment, and when his response corroborated the conclusions earlier arrived at by our investigators the Commissioner formally recommended that the Department revise the language profile of the position.

We indicated that if the Department was unable to put this recommendation into effect, the Commissioner intended to seek the complainant's consent, under Part X of the Act, to apply to the Federal Court for a remedy. At year's end we had just received and were studying the Department's response.

A second Section 91 investigation led us to suggest that the language requirements of a position be raised. A complainant noted that the **Treasury Board Secretariat** was seeking to staff an adjudication and grievance officer position, the duties of which would involve a broad range of negotiations with bargaining agents, legal counsel and staff relations officers in departments. The competition poster specified the language requirement as English essential and the complainant suggested that in no conceivable circumstances could these duties be carried out in one language only if the rights of others to work in their own language were to be respected.

Our investigation addressed both Section 91 and Section 36(1)(a) (centrally provided services to employees) of the Official Languages Act. We concluded that the English-essential designation was indeed questionable. The Treasury Board Secretariat, following extensive consultation and discussions, decided that the language profile of the position should in fact be bilingual imperative at the highest level of proficiency. The competition was therefore cancelled and the position re-advertised with the language requirements adjusted accordingly.

5. The rights of one group do not negate the rights of others

A complaint to the effect that officers of a federal institution were being required to prepare important reports in their second official language was our first indication of a problem involving not only the public's right to obtain service in its preferred official language and the right of federal employees to work in the language of their choice, but a more basic human right as well.

The complaint was lodged against **Correctional Service Canada**. Concerned about his operation's high demand for translation services, the Deputy Commissioner of the Quebec Region of the Service had suggested that Francophone Case Management Officers (CMOs) occupying bilingual positions requiring the highest level of second-language proficiency prepare case reports on Anglophone detainees in English. Specifically, this would be done in cases where, as a matter of right, the report is read and signed by the inmate, as, for example, prior to a parole board hearing. The complainant, speaking on behalf of the officers concerned, indicated that they had no objection to providing inmates with a verbal review of their reports in English, but insisted on their right to work in French and on the fact that only in their first language could they do justice to complex reports of critical importance to the detainees concerned.

While we made it clear to the complainant that language of work rights accorded by the Act are subservient to the duty to serve the public in the language of its choice, our investigation nevertheless found that the reports in question were indeed complex and delicate in nature. It is very much in the interests of the inmates in question that the reports be well prepared and provide an accurate reflection of the status of the case. We therefore concluded that in this situation, the interests of the CMOs and of the inmates actually coincided, since the only way to guarantee accuracy would be to have the reports prepared in the language in which the writer was most competent and then translated as necessary.

The critical nature of this situation was underlined by complaints from inmates in two separate federal institutions in Quebec. One alleged that lack of access to important reports in English was making it impossible for the complainant to prepare for a parole board hearing, while the second was from an inmate whose hearing had been scheduled but whose lawyer had told him he would be unable to represent him if translations could not be obtained. Since it was possible that in both these cases the inmate's release from custody might be delayed, we intervened on an urgent basis with Correctional Service headquarters.

At the very end of 1989 we learned that one of the complainants had in fact had his parole hearing some months earlier but had had to be content with a verbal translation of his reports since the written versions, one of which had been first requested as early as February, were completed only in November, long after the hearing had taken place. In the second case translation turnaround time had been better but, since one of the reports had been lost in transit, the hearing originally expected earlier in the year had been held only at the end of November.

The seriousness of this problem cannot be overstated. During our investigations into these two complaints we came across three other cases where Anglophone detainees in Quebec institutions had been denied the right to read their reports in English. These cases may represent little more than the tip of the iceberg. As a long-term solution, the Service has promised to apply even more stringent

second-language requirements when staffing vacancies at institutions with a significant minority official language population and also to redouble its efforts to recruit Anglophone officers in Quebec. Meetings between the Correctional Service and the Translation Bureau of the Secretary of State's Department have produced a shared recognition of the problem and an agreement on measures to reduce delays. Its effectiveness will no doubt be tested in 1990.

6. Legal, perhaps — but not fair

An administrative decision may follow all the rules but still may not be fair. When a civilian employee of the **Department of National Defence** in Moncton was told he had won a competition for a supervisory position designated bilingual non-imperative, he indicated his willingness to become bilingual and looked forward to the opportunity to learn French. However, when results of the **Public Service Commission**'s diagnostic test indicated he would be unable to acquire the level of proficiency required within the established time limit, he requested information on his rights from our regional office. He subsequently complained that these rights were being infringed and requested that we intervene on his behalf.

Our investigation concluded that the language requirements of the position had in fact been objectively arrived at and that no infraction of Section 91 had occurred. Further investigation, which included a detailed review of language test results achieved by the complainant since 1981, determined that despite his genuine motivation to learn French, exemplified by his having taken part-time French courses at the University of Moncton for two years on his own time, his results were such that he would clearly be unable to meet the requirements of the position in the time allowed. We therefore concluded that the treatment of the complainant by the Public Service Commission had been fair and in accordance with established government policy. However, one of our investigators then noticed that the complainant had spent considerable time on shooting ranges and believed it was possible that he suffered from a hearing loss. We recommended that finalization of the staffing action be delayed pending administration of a hearing examination by the Department of National Health and Welfare. When this test showed that marked hearing loss existed and was likely to interfere with ability to learn a second language, the Department of National Defence made alternative arrangements to cover the French-language duties of the position, accorded the complainant an exemption on medical grounds from meeting the language requirements and offered him the appointment.

7. Taxpayers' choice

The efficacy of the complaint process in achieving significant language reform was demonstrated in a case involving **Revenue Canada (Taxation)** which will affect all Canadian taxpayers. The Department is generally careful to respect

taxpayers' choice of official language, usually by sending them forms and correspondence in the language in which their previous return was completed. Since an increasing number of Canadians have their returns prepared by a third party, however, this system has not always been effective in avoiding errors. A taxpayer from New Brunswick found himself receiving correspondence in the wrong language for this reason and initially asked our Office if it would be possible for a box enabling taxpayers to indicate their preferred official language to be included on the T1 form. When the Department studied the proposal for the taxation year 1988 but did not adopt it, the 1988 inquiry became a 1989 complaint.

Our investigation confirmed the desirability of this measure and we therefore brought the complaint formally to the attention of the Deputy Minister. We and the complainant learned shortly thereafter that, for the 1989 taxation year, all Canadian taxpayers will have an opportunity to check off a box on their tax return indicating their preferred official language.

8. Is Santa Claus bilingual?

As is the case with all ombudsmen, not all our interventions on behalf of complainants lead to success. One at the very end of 1988, however, was quite conspicuously positive. **Canada Post** has for some years provided a service popular with children across the country whereby letters to Santa Claus, whose address, as every child knows, is the North Pole, postal code HOH OHO, are sorted and delivered. Santa's replies, prepared with the voluntary assistance of postal workers, are returned with the regular mail. The distress of three children whose French-language letter from St. Boniface, Manitoba, was replied to in English, may be imagined. Our Manitoba and Saskatchewan regional office was informed on December 20 and the very next morning the complaint was communicated to Canada Post's divisional headquarters in Winnipeg. We are delighted to report that just before Christmas the children received another letter, this time in French and, even more remarkably, in Santa Claus' very own handwriting. Would that all our interventions were as effective and all our complaints as swiftly and expertly resolved!

1. Language of Service: Molasses in January

We entered 1989 with optimism. A stronger Official Languages Act had just been proclaimed a few months before, the Treasury Board Secretariat had taken some worthwhile initiatives aimed at reinforcing active offer, and Governor in Council regulations on significant demand, nature of the office and the travelling public were to be tabled within the year. We were convinced that the 1988 Official Languages Act would yield good results, provided that federal institutions did not adopt a wait-and-see attitude until the new regulations were promulgated. We hoped they would not delay implementation of the many sections of the Act that are self-explanatory or not subject to regulation, and that related policies would be revised accordingly, for example those concerning services rendered by third parties, use of the minority language press and making active offer a legal obligation. In these cases the intention of Parliament was perfectly clear: to improve service to the public.

The most significant change we could note in 1989 was a higher level of activity within the Treasury Board Secretariat in response to some of the demands of the new legislation. The Board spent most of the year preparing regulations which were still not available at the time of writing and signed some 20 letters of understanding with departments to set out objectives such as improving service. It also distributed across Canada the new symbol aimed at facilitating access to bilingual services and published a guide on the use of two languages at national and international events. What we do not perceive is any notable improvement in the service Canadians actually receive from federal institutions, most of which have adopted a passive attitude until the regulations are approved. Contrary to legitimate hopes of significant improvement, the scene reported last year remained essentially the same. The level of bilingualism among federal employees has dropped slightly and, despite Section 28 of the 1988 Act, our Canada-wide study this year found that federal employees are not actively offering clients a choice of language of service, which in our view constitutes a clear violation of the Act. Furthermore, during our visits in 1989 to most regions of Canada we noted that most managers we met did not have a clear understanding of the new Act several months after its proclamation. Use of the minority language press is erratic, which

can leave sectors of the population uninformed about government policies and programs. At the same time, the existence of the new Act and a campaign conducted by this Office in the minority official language media have raised public expectations. As a result, the complaints we received about service to the public increased by more than 25% this year.

Certain federal services drew themselves to our attention through the number of complaints they generated. Canada Post's privatization program resulted in numerous complaints against independent outlets which were unable to provide bilingual service. Almost 150 complaints on the subject showed that Transport Canada's control over signage at airports was inadequate and Air Canada drew the ire of clients both through poor bilingual service on the ground and in the air and through its disinclination to advertise in French outside Quebec.

This chapter will follow up on the results of our 1988 recommendations and review the status of some aspects of service to the public that could reasonably have been improved this year: the active offer of bilingual service, use of the minority language media and the linguistic capacity of the Public Service.

Follow-up on recommendations

In last year's Report we made six recommendations dealing with the Treasury Board regulations on service to the public and another four to address long-standing problems identified in previous years.

Our recommendations on regulations had no tangible result in 1989, but on the basis of the information available we believe that many of them were taken into serious consideration by the Treasury Board in preparing the upcoming Governor in Council regulations on significant demand, nature of the office and the travelling public. With regard to our other recommendations, the Treasury Board has acted on one concerning bilingualism at national and international events by publishing a comprehensive and useful guide for organizers. It needs to follow up on this initiative by ensuring that the guide is distributed and used.

Last year we reiterated a number of recommendations on chronic problems in providing bilingual service. We asked that every office serving minority communities have on duty at all times one fully bilingual employee capable of handling complex cases. Until now no directives have been issued on the subject, even if some departments have taken praiseworthy initiatives. For some time now we have recommended that the elementary level of second-language proficiency be eliminated for most positions, but we note that the proportion of such positions is back up to its 1987 level: 6.8%. The number of such positions has dropped slightly but this has been offset by staff cuts. We also recommended in previous years that control measures be implemented to monitor administrative arrangements in cases where non-bilingual employees occupy bilingual positions. In the latter case we have not noted any directives or better control measures although the Treasury Board has monitored active offer in some regions this year.

Active offer

Government services frequently operate in a monopoly situation and many federal institutions, such as the RCMP and Customs and Taxation, exercise a degree of control over the public which may be intimidating. To help overcome the disadvantage which citizens may feel in dealing with government authority and to avoid doubts as to the availability of service and the frustration of being refused due to lack of services in both official languages, the Official Languages Act explicitly requires federal institutions to actively offer members of the public a choice of language of service. Commissioners of Official Languages have always insisted on the importance of an active offer of service in both official languages, arguing that the absence of such an offer may have the effect of suppressing the demand for service in the minority language. This is why we conducted a study of the active offer of bilingual service in federal institutions in 1989.

The requirement to provide an active offer of service in both languages is set out in Section 28 of the Act, which does not require regulations to complement it. We believed it would be reasonable to expect federal institutions to act on this section without waiting for specific guidance from the Treasury Board. Our study focused on specific offices or services which had been the subject of discussion with our Office. We chose close to 400 complaints which dealt with initial contacts (telephone reception and service, signs and in-person service) and followed up on them by testing that aspect of the service.

The concept of active offer has been included in existing policies for many years. However, it was not defined in precise terms and has been presented more as a useful addition to bilingual service than as an essential precondition of services for which federal employees would be accountable. Section 28 of the new Act defines active offer more clearly and includes **signs, notices, information on services, and initiation of communication with the public**. For our study we distinguished between initiation of communication on the telephone and in person. Of the five elements studied three are virtually part of the décor of a federal office: bilingual signage, documentation and displays in both official languages and a notice advising clients that they may choose the language of service. Two elements, telephone reception and the initiation of communication in person, were found to be deficient. They require that individual employees respect certain codes of behaviour. In all cases the purpose is the same: institutions make an active offer of service in order to allow the client to choose the language of service.

Findings of our study on active offer

Our investigators found a high level of attention across Canada to those aspects of active offer which are the institution's responsibility and which should be bilingual everywhere. Signage was bilingual in 87% of offices visited and documents and information displays were in both official languages 85% of the time. The use

of active offer signs where required reflected the regional distribution of our sample; 62% of the follow-ups were conducted in regions where the Treasury Board now requires federal institutions to provide bilingual service and 63% of offices had a sign announcing the availability of service in both official languages. We also found that telephone reception was bilingual 67% of the time in these regions, although telephone service could be provided 88% of the time in the minority language. The most significant gap in the active offer of bilingual service is also the most important element in encouraging members of the public to actually use their own language: in-person greetings in these regions were bilingual only 14% of the time. The human aspect of the contact between client and federal employee is at the heart of any service. The deficiency we have found at the first contact between the two suggests not only a serious problem in providing service in both official languages, but a clear violation by many managers and federal employees of Section 28 of the Official Languages Act.

Our study also revealed that service in the minority language was far from being offered even when if it was available. Both on the telephone and in person the use of bilingual greetings and provision of service in the client's language were best in regions where the government now requires federal offices to provide a high level of bilingual service on account of the large official language minorities to be served. In the National Capital Region, for instance, service was provided in the language requested 88% of the time (85% on the phone and 94% in person). However, employees used a bilingual greeting in only 57% of cases. Federal offices in Quebec and New Brunswick also did well in providing service in the client's preferred language, in 86% and 83% of cases respectively, but bilingual greetings were used less than half the time (39% and 48% of cases). In New Brunswick 15 out of 23 telephone calls were answered in a bilingual format, but in eight visits to federal offices we did not find a single employee greeting clients in person in both official languages. Similarly, in Quebec the telephone was answered bilingually in 73% of cases but only one visit in 10 found an employee greeting clients at the counter in both official languages. Results were erratic in bilingual regions of Ontario and Manitoba; service was provided in the minority language 78% of the time in Ontario and 75% of the time in Manitoba. In Ontario employees answered the telephone in both languages 67% of the time but 27 visits to federal offices failed to turn up any employees who greeted clients in person in English and French. In Manitoba 67% of telephone calls were answered bilingually but in visits to eight federal offices we found only two employees greeting clients at the counter in both official languages.

We did, however, see some innovative methods used to encourage clients to choose the language of service. At a passport office in Ottawa, for example, clients take numbers while waiting their turn. Staff call out the numbers in both languages and address their clients in a mixture of English and French when they step up to the counter. We believe any client would feel at ease using either language in that situation.

The "take a number and wait" approach cannot be used at Customs posts along the Canadian-American border, where the volume of traffic has frequently reduced the inspectors' exchanges with drivers to a ritual three or four questions. Customs and Excise is therefore placing greater emphasis on using signs to indicate which of the inspection booths at a given crossing houses a bilingual inspector. The system is not yet working perfectly but in those areas where it has been tried the level of demand for service in the minority language has risen significantly.

In offices located in primarily unilingual regions it was naturally harder to obtain service in the minority language and even more rare to hear a bilingual salutation at the counter. In the western provinces and Atlantic Canada telephones were answered in both languages 57% of the time but employees greeted clients in person in both languages only twice in 41 visits. The offices nonetheless provided service in French in 63% of cases in Atlantic Canada and 68% of the time in the West.

Our investigators also found that in most cases federal employees of all regions responded politely to clients' requests; in 94% of cases they rated the level of courtesy as "acceptable". None of our Anglophone evaluators rated the level of courtesy as "unacceptable" for in-person service, but 11% of requests for such service in French met an abrupt or hostile response. We believe that active offer of bilingual service depends to a great extent on the sensitivity and responsiveness of individual public employees. Wall-to-wall bilingual signs have less impact on a client than a smile or a snarl from the person behind the counter. In some instances even a bilingual greeting and bilingual service were offered in such a way as to discourage all but the most determined. At a federal office in Toronto the telephone was answered in both official languages, but when our representative asked a question in French the receptionist replied, "One moment. I don't speak French. I say bonjour 'cause I have to say it." The call was transferred to a bilingual officer but we were left wondering how a real client would have reacted to such a comment.

Our study suggests that federal institutions have in place many of the elements needed to actively offer members of the public a choice of language; bilingual service is available and signs, documents and notices testify to its presence. What is needed now is a concerted effort from individual departments and agencies to sensitize their staff to the requirements of the Act and the importance of offering bilingual service and some guidance on how to do it.

Bilingual capacity

In the 20 years since the first Official Languages Act was passed the bilingual capability of the federal Public Service has improved significantly, both in terms

of the number of bilingual positions and the proportion of incumbents who meet these language requirements. The federal government set a target date of 1982-83 to achieve the goal of filling 90% of bilingual positions with bilingual staff. In recent years, however, the level of bilingualism among public servants has levelled off; it has even decreased slightly in the last two years.

Again in 1989 we note a slight falling off of the bilingual capability of public servants. The number of positions identified as bilingual for the purpose of service to the public dropped by nearly 1%, from 40,235 in 1988 to 39,856 this year. More significantly, the proportion of linguistically qualified incumbents decreased again this year, to 85% (33,881) from 85.3% (34,329) in 1988. We recognize that these figures reflect to some extent better testing and record keeping procedures and may well be more cosmetic than critical. They are, however, related to another phenomenon suggesting a weakening of bilingual capacity: the proportion of occupied bilingual positions requiring only minimal language skills increased to 6.8% in 1989 from 6.3% last year despite our frequent recommendation that these requirements should be increased. The Public Service Commission and the Treasury Board should monitor the situation closely. In the wake of the 1988 Official Languages Act public demand for service in both languages is likely to increase at the very time that the ability of government to meet the demand appears to be declining. The lack of bilingual capacity can seriously affect the public's right to service and even at times pose a security risk.

Use of the minority language press

We have recommended repeatedly over the years that government adopt a clear policy and guidelines on use of the minority official language press under the 1969 Official Languages Act. The 1988 Act significantly increases government's responsibility to use minority language media. Unfortunately, 18 months after the adoption of the new Act we see no sign of clear policy direction to federal institutions on this subject. In our view, appropriate use of the media in both official languages, particularly newspapers in the minority official language, is an essential element of government's communication with the public. Section 11 of the 1988 Act sets out an obligation for the government to use equivalent media in both official languages for announcements or notices which are required by law to be published. In our view, the principle of media equivalency articulated in Section 11 respects the spirit and intent of the Act, which presupposes equality of status of English and French. Section 30, which deals with the manner of communicating with members of the public in both official languages, specifies that federal institutions should use media that will reach members of the public in the official language of their choice in an effective and efficient manner consistent with the purposes of the Act. We believe that generally the most efficient way to reach minorities is through the press serving a particular community, especially when an institution has decided to use written media to

reach the majority population. We cannot overemphasize the urgency of a government policy which would direct departments and agencies to apply the principle of equivalence to all their communications with the public. Equitable use of the media in both official languages is all the more important in that members of the public must rely on such sources for information about government programs and services. Without adequate information in both languages some citizens can be deprived of rights which they don't know they have.

This year federal departments and agencies frequently raised with us the difficulty that they experience in complying with new, but unclear, obligations. This ambiguous situation has also led to a significant increase in the number of complaints we receive on this subject. In 1989 we received 450 complaints about government agencies' failure to use the minority press, up from 220 in 1988. They now account for 19% of all complaints. Of these, 111 were brought against Air Canada, which has all but stopped using French-language newspapers outside Quebec in its advertising campaigns. Job competition notices and calls for tender are also published only sporadically in minority language newspapers.

Other major issues

Reductions in the number of staff at some departments and increasing use of contracts for service have eroded the ability of some government agencies to ensure service in both official languages. For example, on the basis of complaints received, there appear to be no systematic controls at privatized postal outlets to ensure that bilingual service are available or offered. The staff reductions at Via Rail, which dropped from 7,300 to 4,200 employees in 1989, could jeopardize bilingualism there too. The Corporation agreed with its unions on a layoff policy stipulating that employees with the least seniority would be the first to go although Via's newest employees had higher levels of bilingualism than their senior counterparts who remained on the job. We believe government would do well to consider more seriously the linguistic repercussions of these policy and program changes.

Conclusion

We leave 1989 and enter the 1990s with our optimism considerably tempered by recent experience. Although the new Act does strengthen the citizens' right to service in their preferred official language, these rights must be implemented through specific initiatives from federal institutions. So far, the initiatives that have been taken have been far from the telephones and counters where service is actually provided. This year we have seen the federal machine creaking towards motion, giving out some impressive rumbles and whistles. It hasn't started moving yet because it lacks some very important wheels: appropriate interim directives, Governor in Council regulations and revised policies. The 1989 version of service to the public looks suspiciously like last year's model. In the

wake of the forthcoming regulations we would like to see the central agencies review their policies and develop an overall strategy for implementation. With regard to active offer no regulations are required but directives certainly are, including clear assignment of responsibility for results in the form of over-the-counter service. We have provided recommendations that have not been challenged but which in most cases have not been put into effect. Government has begun rethinking and restructuring the Public Service to meet the needs of the 21st century. At the very least, this process should include some thought to providing individual Canadians with government service in their own official language and holding managers accountable for ensuring that this happens.

2. Equitable Participation: "Tending to Reflect"

It should be noted at the outset that the equitable participation of English-speaking and French-speaking Canadians in federal institutions is not an individual right, like the right of members of the public to be served in the official language of their choice and that of government employees to their choice of language of work in certain regions of the country. It is rather one of the collective rights that the federal Government committed itself to respect in the 1988 Official Languages Act. This Act on the one hand ensures equal opportunity for employment and advancement in federal institutions to all Canadians, without regard to their ethnic origin or first language learned, and, on the other, asks that the composition of the workforce of federal institutions tend to reflect the presence of both official language communities of Canada, taking into account the characteristics of individual institutions, including their mandates, the public they serve and their location. It should also be noted that the Government's commitment to equitable participation is based on full respect for the merit of applicants.

Overview

Having said this, we take up once again the question of equitable participation in federal institutions against a background of institutional change. It should be pointed out, first of all, that the Government can take satisfaction in its achievements over the past 20 years, over the course of which it has achieved a much fairer balance in all its institutions. Imbalances persist in certain employment categories and certain regions, and the Government must pursue its efforts to rectify them. It would be utopian, however, to hope to be able to make spectacular improvements in participation rates in the short term during this period of budget restrictions, when the opportunities of federal institutions for recruitment are sometimes severely limited by transfers of staff affected by budget cuts and when the rate of mobility between regions is relatively low. The following table shows the number of staff of all federal institutions except for Air Canada, figures for which will not be available until the spring of 1990.

Table II.1

Distribution in all institutions

	Anglophones	%	Francophones	%	Not stated	%	Totals
Departments[1]	149,339	72.0	59,012	28.0			208,351
Crown corporations[2]	89,467	58.1	36,844	23.9	27,574	17.9	153,885
Parliament[3]	782	36.2	1,381	63.8			2,163
Armed Forces[4]	62,754	72.8	23,421	27.2			86,175
RCMP[5]	13,952	81.8	3,105	18.2	15	0.001	17,072
TOTAL	**316,294**	**67.6**	**123,763**	**26.5**	**27,589**	**5.9**	**467,646**

An analysis of the total staff of federal institutions, which should tend to reflect the presence in Canada of the two linguistic groups, i.e., 74.2% Anglophones and 25.8% Francophones[6], leads us to the conclusion that the participation of these linguistic groups is acceptable overall.

[1] Treasury Board Annual Report, 1988-89.
[2] Annual reports on official languages, Treasury Board, December 1988. Figures given exclude 27,574 employees not identified as either Anglophones or Francophones but mainly located in predominantly Anglophone regions of the country.
[3] Figures provided by the institution, September 1989. N.B.: Includes the staff of the Senate, House of Commons and Library of Parliament.
[4] Figures provided by the institution, September 1989. N.B.: Military personnel only (public servants are included in departmental staff).
[5] Figures provided by the institution, September 1989. N.B.: Police officers only (public servants are included in departmental staff). Figures given exclude 15 employees not identified as either Anglophones or Francophones.
[6] Census Canada 1986, Statistics Canada (estimate of population by first official language spoken: a method which gives priority to mother tongue over home language). ***Note***: all other figures on the population of Canada in this chapter have the same source.

In the federal Public Service, the overall participation of Francophones, as shown in Table II.1, is 28%; this seems slightly high compared to the population of Canada. The disproportion is explained, however, by the large number of Francophones in the Administrative Support category (secretaries, clerks, etc.), hired mainly in the National Capital Region and the bilingual regions,. However, the relative equilibrium in the overall participation covers up certain very serious sectoral imbalances which the government and the Public Service Commission should continue to address with vigour. As we shall see later, these imbalances are only slowly diminishing from year to year, except in New Brunswick, where the correction in favour of Francophones continued in 1989 to maintain its pace of recent years and approached the percentage of the minority population, which is 33.4%. The situation, however, is quite different in the National Capital Region, where the rate of Francophone participation in management is only 21.8% and that of Anglophones in the Administrative Support category is only 53.7%, despite the fact that the latter constitute 67.8% of the overall population of the Region. In Quebec Anglophone participation in the Administrative Support category stands at a rock bottom level of 2.7%, which is unacceptable

and difficult to explain, considering that they constitute 13%[1] of the overall population (see Table II.2).

Table II.2

Major sectoral imbalances in the Public Service

Employment category	Anglophones	%	Francophones	%	Change in Francophone participation 1981-89
Management	3,159	78.2	880	21.8	1.3%
Scientific and Professional	17,407	77.5	5,048	22.5	2.6%
Administrative Support	41,648	66.0	21,476	34.0	2.2%

Region	Departmental employees Anglophones	%	Francophones	%	Change (1981-89) (%)	Minority[1] population (%)
Quebec[2]	1,623	5.5	26,324	94.5	-1.8 anglo.	13.3 anglo.
Northern and Eastern Ontario	2,335	76.2	729	23.8	+2.8 franco.	29.3 franco.
NCR	42,944	62.6	25,669	37.4	-3.4 franco.	32.2 franco.

[1] See note 6 to Table II.1.
[2] Figures exclude the National Capital Region.

These tables do not include data on order in council appointments. Although the Official Languages Act does not apply to such appointments, it is interesting to note that, for 1989 as for the past few years, an estimated 70% to 75% of persons thus appointed were Anglophones, and 25% to 30%, Francophones.

Future projections

Age factors

The overall participation rates of Anglophones and Francophones in the Public Service have remained essentially unchanged since 1984. As noted in our previous reports, this balance is a delicate one, requiring continued attention to ensure that it does not get out of control.

The current slightly excessive rate of Francophone participation (28%) in the Public Service and the fact that Francophone employees are in general younger than their Anglophone colleagues could indicate that a significant imbalance

[1] See note 6 to Table II.1.

may develop in the future. In response to our repeated requests, the Public Service Commission (PSC) took a serious look at this issue and in 1989 produced projections on the ageing of Anglophones and Francophones and its impact on the overall balance from 1987 to the year 2000. We regret that the unavailability and incompatibility of figures for Crown corporations makes it impossible to include similar projections for government employees not subject to the Public Service Employment Act. We hope that this problem will be rectified in the very near future.

As for employees subject to the Public Service Employment Act, PSC analyses indicate that the overall balance will tip only slightly over the next decade and that the current situation will continue as it has in recent years. As the next table shows, Francophones are generally younger than Anglophones. More specifically, Francophones are over-represented among those under 34, their participation is balanced in the age groups from 35 to 54, and Anglophones are over-represented among those 55 and over. These imbalances are even more pronounced in the Administrative Support category, where the Anglophone rate of participation is completely insufficient among all those under age 44.

Table II.3

Employees by age group (September 1989)

	% of employees	All categories		All categories without Administrative Support		Administrative Support only	
		A(%)	F(%)	A(%)	F(%)	A(%)	F(%)
Under 25	3.1	64.3	35.7	69.7	30.3	59.8	40.2
25 to 34	27.0	66.6	33.4	70.7	29.3	60.4	39.6
35 to 44	37.4	70.5	29.5	72.4	27.6	65.5	34.5
45 to 54	21.7	75.1	24.9	76.0	24.0	72.2	27.8
55 to 64	10.2	81.2	18.8	81.8	18.2	79.5	20.5
65 and over	0.6	87.2	12.8	87.4	12.6	86.3	13.7
TOTAL	**100**[1]	**71.5**	**28.5**	**74.0**	**26.0**	**65.7**	**34.3**

[1] This total includes 28 employees whose age is unknown.

Source: PSC September 1989.

Forecasts of age imbalances for the period 1987-2000

According to analyses made by the Public Service Commission, if trends in the recruitment of federal employees continue, the participation of Francophones and Anglophones in the next decade will remain relatively constant because of the following factors:

- the discrepancy between the average age of Francophones and that of employees in general is diminishing from year to year and, by the year 2000,

will be only one year (41.5 for Francophones, compared to 42.5 for all employees);

- the number of employees in the Administrative Support category, more than a third of whom (34.3%) are Francophones and in addition are young, is declining and its relative size will fall from 18.4% to 13.7% between now and the next century because of current or anticipated technological developments;

- in the past four year, total recruitment of Francophones in the Public Service has been below their presence in the Canadian population (24.17% in 1989, 24.8% in 1988, 23.9% in 1987 and 21.9% in 1986);

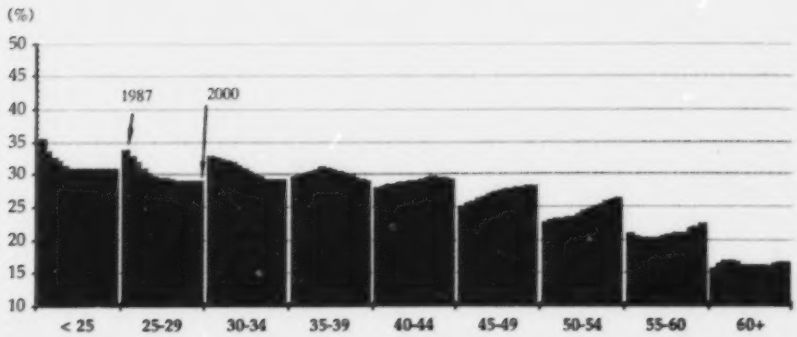
- the rate of participation of Francophones in the various age groups is increasing among those 40 and over, while it is decreasing among Francophones under 40, an age group where their relative numbers are greater;

- the turnover in the Administrative Support category, where the largest number of Francophones is found, is much higher than in the other categories.

The following table, prepared by the PSC, illustrates the changes anticipated in the next decade.

Table II.4

Francophone representation by age group — Public Service as a whole, 1987-2000



Follow-up on last year's recommendations

Last year our draft master plan contained seven recommendations concerning equitable participation. In this regard, the Treasury Board accelerated the signing of letters of understanding with departments (24 have now been signed) containing objectives for redressing certain imbalances in participation and is about to take similar action with respect to Crown corporations over a four-year period. In our opinion, this latter process should also be accelerated. The Treasury Board is also pursuing development of the Crown Corporations Official Languages Information System, which we have called for for some years and which should be in operation in the spring of 1991. As for the participation of Francophones in the Management and Scientific and Professional categories, minor progress has been made from year to year, but at its current rate it will be necessary to wait at least seven or eight years before a reasonable balance is achieved in these categories. Moreover, at the time of writing, the Treasury Board study on the field of science and technology, begun several months ago as a result of our recommendations, is still under way. With regard to the participation of Anglophones in the offices of federal departments and agencies in Quebec, particularly in Administrative Support category jobs in that province — one of the major problems of equitable participation in Canada — administrative efforts were made again this year (study group, meetings, reports, etc.) which to some extent clarified the problems, but they did not produce tangible results. In this regard, we hope we are not obliged to submit additional special reports to the Governor in Council about these problems in order to achieve equitable solutions.

Key problem sectors

At the end of the decade it is appropriate to congratulate managers in New Brunswick who have effectively grappled with the under-representation of Francophones in that province. Their participation has risen from 21.3% in 1981 to 30.7% in 1989, while the minority population of the province is 33.4%. Otherwise, the imbalances that we cited in our last Report, and as illustrated above, remain essentially the same: low Francophone participation among decision-makers (21.8% among members of the Management category, 22.5% in the Scientific and Professional category), slow but continuing progress in Francophone participation in northern and eastern Ontario (now 23.8%), low Anglophone participation in the Administrative Support category in the National Capital Region (53.5%) and, finally, stagnation in Quebec, where Anglophones account for only 3.1% of employees in the Administrative Support and Operational categories.

Anglophones in Quebec

Close to three years have elapsed since our report on low Anglophone participation in the federal Public Service in Quebec was submitted to the Governor in Council. All indications point to the fact that, since that time, no significant progress has been made in increasing the overall proportion of Anglophone federal employees in that province, although the decline has come to a halt.

Since 1985, only 5.5% of all public service positions in Quebec have been held by Anglophones. This percentage contrasts sharply with the approximately 24.8% of federal Crown corporation employees located in Quebec who are Anglophones (based on the most recent estimates from 1987).

In looking at employment trends from a hierarchical perspective, we note that central agency initiatives have, to a certain extent, proven successful in recruiting for officer categories. In 1989 some 12.5% of officers hired were Anglophones compared to only 7.4% of those recruited as recently as 1984. Such activity has more recently resulted in a stable Anglophone presence at the officer level which, since the time of our Governor in Council report, has been maintained at a level of 8.1%. Nevertheless, while we can take some comfort in the fact that the decline in the proportion of Anglophone officers in Quebec has been arrested, this level still falls significantly below the 13.3% Anglophone presence in the population of that province.

The picture looks much more grim for support groups. In 1989 only 3.1% of recruits to Administrative Support and Operational categories were Anglophones, compared to 5.1% in 1985. This continues to be the major obstacle to achieving a satisfactory balance in Quebec, one which has thus far proven virtually impossible for current government initiatives to surmount.

Needless to say, in view of this disappointing lack of progress a certain level of frustration is quite justifiably felt by the Anglophone associations in Quebec. A number of established procedures and practices come into play in staffing support positions which serve to work against the hiring of Anglophones. Even though Employment and Immigration Canada has implemented a new placement inventory system to facilitate referrals to departments, the rate of successful Anglophone candidates actually hired in relation to applicants in the inventory remains disproportionately low. This situation points to the necessity of examining much more closely the various staffing processes involved in order to determine the exact root of the problem, and more specifically, the linguistic skills of applicants.

There are several factors which no doubt contribute to this apparent lack of response by departments, one of which is the frequent use of term appointments for filling bilingual positions. As language training is not available to individuals hired for short terms, managers seek candidates for these positions who are already linguistically qualified and, may have a tendency to expect such candidates to possess unnecessarily high levels of bilingualism. Such expectations would obviously eliminate from further consideration Anglophones who are sufficiently competent in French to perform support functions but whose abilities in this respect might be largely underestimated. Unfortunately, as testing for second-language proficiency is only conducted when staffing long term on indeterminate positions, the actual French-language abilities of Anglophone applicants in the Employment and Immigration inventory cannot, at present, be reliably determined.

Furthermore, we would suggest that deputy ministers take an active part and make their regional managers more accountable for their efforts toward a balanced participation for Anglophone support staff. We are also of the view that the Public Service Commission's pro-active approach to Anglophone recruitment, which has shown some measure of success in officer categories of recent years, could equally be applied by Employment and Immigration to hiring support staff. One route for the Department to take would be to intensify its exchanges with such potential sources for support-level candidates as secondary schools, institutes, and colleges. Heightened exposure of this nature would undoubtedly facilitate the hiring of qualified Anglophones.

In encouraging both a more dynamic approach to hiring Anglophones on the part of Employment and Immigration and departments in Quebec within the merit principle, as well as their increased accountability to central agencies for results achieved, we would equally signal our intention to follow this issue very closely over the coming year.

National Capital Region

Here also, action must be taken with regard to certain sectoral imbalances. More specifically, corrective action is still essential because Francophones hold barely 21.8% of Management positions, while Anglophones fill only 53.3% of Administrative Support and 51.6% of Operational positions. The low Francophone participation in the Management category is particularly disturbing because this is the very heart of the Public Service of Canada. The members of this category are responsible for providing advice to Members of Parliament on the conduct of government business, for developing the required policies and for implementing them — in short for ensuring the smooth operation of the administrative machinery. It is to be expected, therefore, that the two linguistic communities would be represented equitably in it and that each might make its contribution to the administration of the country.

In the Scientific and Professional category Francophone participation has reached 23% — slow but consistent progress that should produce a satisfactory balance in the next five to seven years if the current policies are followed rigorously.

In the National Capital Region too, the low rate of Anglophone participation in the Administrative Support category is worrisome. The structural factors responsible for it are well known: recruitment takes place almost exclusively in the NCR, where bilingual Francophone resources are abundant and sources of Anglophone candidates are perhaps not sufficiently exploited; appointments are frequently made for specified periods without the possibility of language training; the bilingualism of secretaries, clerks and low level officers often makes up for the unilingualism of supervisors. It seems essential and urgent to us, as in the case of the situation in Quebec, that deputy heads, the Public Service Commission and the Employment and Immigration Commission work together to correct

this imbalance, which has a marked impact on the overall participation of the linguistic groups. We believe, in particular, that a more effective policy of exploiting sources of bilingual Anglophone candidates (schools, colleges) must be attempted as soon as possible, that, here again, the managers in question should be held accountable for the efforts made and that the existing bilingual skills and motivation of Anglophone applicants for support positions in the federal Public Service in the NCR should be refined. We therefore expect the Commission to enlighten us as to the source of these problems and the measures it plans to advocate to rectify them.

Conclusion: the need for clearer rules of the game

As we said earlier, the room for manoeuvre by federal institutions during this time of budgetary restrictions is very limited. This, however, should not be invoked as a rationalization for the status quo. Further, although administrative procedures are a basic condition for well-planned action, we must not take the shadow for the reality and take comfort from the mere introduction of these procedures. The measure of the effectiveness of these initiatives remains, in our opinion, the results that they produce. In this regard, we must admit that results generally take time to become visible in the problem sectors. We believe that, in order to break the logjam, the Governor in Council should, as soon as possible, develop clear and precise regulations setting overall and sectoral objectives for balanced participation.

3. Language of Work: A Long Hibernation

Adoption of the 1988 Official Languages Act more than a year and a half ago has failed to rouse the language of work objective from its slumber. The situation, as described repeatedly in past reports, persists. French does not enjoy its rightful place as a language of work in the National Capital Region and in bilingual regions outside Quebec and still less so in scientific and technical agencies. And, astonishing though it may be, 20 years after adoption of the first Official Languages Act French is often not used for communications between headquarters and offices in bilingual regions or in some Crown corporations with head offices in Quebec. For its part, English does not fare much better in many federal offices in Quebec where the number of Anglophones is often low and has remained static for many years. This stagnation reflects an attitude of neglect by Government and clearly indicates that many senior federal managers attach little importance to respecting the right of their employees in designated regions to use the language of their choice in the workplace.

This year's summary bears a striking resemblance to our evaluation of 1988, but adds a description of what happened to our recommendations of last year. Although we can report some positive initiatives, a number of systemic barriers still persist, indicating, in our view, the urgent need for Governor in Council regulations to clarify the rules of the game.

Follow-up to our 1988 recommendations

In our last report we made several recommendations on language of work in the context of the 1988 Act. These have been implemented only in part. The first concerned Governor in Council regulations designed to create and maintain a work environment conducive to the effective use of both official languages in designated regions. In this regard Treasury Board initiated a study during the year on the dynamic aspects of language of work to help it draft future Governor in Council regulations. At the time of writing no tangible results are evident. Another recommendation, this time addressed to the Public Service Commission and Crown corporations, advocated an increase in the number of bilingual courses offered to members of the Management category. This has produced

some results. At the Canadian Centre for Management Development all courses in 1989 for assistant deputy ministers were offered with success in a bilingual format and nearly 25% of training for other management groups at the Centre was provided in a bilingual format or in French. Owing to a lack of precise data, we have nothing to report on the courses offered by Crown corporations. A third recommendation called for steps to promote the use of French as a language of science in federal institutions. Unfortunately, the Treasury Board committee established for this purpose in 1987 adjourned for several months during its mandate and to date it has still not produced any tangible results. A fourth recommendation concerned acting appointments. The Public Service Commission has responded positively to this concern by prescribing a maximum period of four months for such appointments. Another recommendation reiterated our wish to see Government establish incentives, based on recognition of a reciprocal civic obligation, to produce a more balanced use of English and French. The Treasury Board Secretariat produced a videotape designed to make managers more aware of their obligations, but it failed to include the concept of reciprocal civic obligation or some equivalent idea to motivate employees.

Signs of awakening

Treasury Board Secretariat study

As noted, the purpose of Treasury Board Secretariat's study of the dynamic dimension of language of work was to analyse the current situation to help produce regulations under the Act. Conducted jointly with the private sector in the National Capital Region, it involved 12 departments and agencies. Nearly 1,000 employees in 44 work units completed a questionnaire on the factors which facilitate the use of both official languages as languages of work. The unit heads were interviewed to discuss the objective, organizational and cultural factors that influence the use of English or French in their unit. The conclusions and final report of this study should be available at the end of the first quarter of 1990. We hope it will spur vigorous and concrete action and be used as a basis for developing, early in the year, appropriate Governor in Council regulations and the much-needed revision of government policy. This statement should outline the objectives and control measures needed to help federal employees exercise their language of work rights.

In 1985 the Treasury Board produced an excellent brochure, *Chairing Meetings: How to make your meetings a success in both official languages*. In recent months this brochure has been enjoying some success but it has not yet had the broad impact desired. This is largely because implementation of the guidelines it contains has not been monitored.

The Bank of Canada: A beacon in the night

A few — all too few — institutions have taken the language of work issue seriously. The Bank of Canada, for example, has been trying for a number of years to promote both official languages and, in particular, the use of French in the workplace. To this end the Bank has taken two major approaches: language

training for Anglophones to enable them to reach a superior level of second-language proficiency and follow-up to ensure that such proficiency is maintained. This includes two-week exchange visits between agencies in Anglophone and Francophone regions during which officers can intensively apply their newly-acquired skills.

Experience has shown that with equitable participation of the two language groups it is possible to hold meetings where all participants express themselves and are understood in their own language. The superior language skills of many employees and managers at headquarters provide for a more balanced use of both official languages, especially French, in work carried out jointly with colleagues in Montreal.

In particular, the Bank of Canada encourages Francophones to draft their work documents and technical reports in French. The Bank informed department heads that it was making translation services into English and revision services in French available to Francophones. Courses on written French have also been developed, both for Anglophone supervisors who wish to improve their second-language skills and for Francophones who wish to improve their writing.

These worthwhile initiatives show that, even in an environment that has long been dominated by one of the two official languages, a linguistic balance can be achieved.

Persistent barriers

Supervisors' bilingual skills

As we have often noted, the level of bilingual skills of supervisors is the decisive factor in promoting English and French as languages of work. Unfortunately, this message does not appear to have been heard, and the percentage of supervisors not meeting the language requirements of their position has increased by 3% in the past three years (from 18% in 1987 to 21.1% in 1989). The situation is no better in the Management category, where 19.4% of incumbents still do not meet the necessary language requirements.

Communications from headquarters

While it seems surprising, communications between headquarters in the National Capital Region and offices in Quebec, New Brunswick and bilingual regions of Ontario frequently take place in English only. Documents continue to be issued with the note "French version to follow" or in a French whose quality is so poor that it is necessary to refer to the English version to grasp the meaning. Very often oral communications between headquarters and Quebec must be conducted in English because many public servants in the NCR are not sufficiently bilingual, even though in some cases they receive the bilingualism bonus.

Computers

Computers are becoming increasingly common and important in federal institutions. However, some unilingual equipment, software and reports prevent many employees from exercising choice in their language of work, even though more

than a year has passed since Treasury Board issued a directive on this matter. Despite the unequivocal wording of this directive, implementation control mechanisms appear inadequate or non-existent. We hope that the situation will be corrected as soon as possible so that the January 1, 1991, deadline specified in the Act may be met with respect to regularly and widely used automated systems.

Supervisory functions

We still receive many complaints that employees are not systematically evaluated in the official language of their choice. We refer here not only to the employee's performance evaluation form completed annually by the supervisor but also to factors that have an impact on the employee's work throughout the year: oral and written instructions and communications, meetings where the language preference of the employee is not respected, and deadlines that do not take translation time into account and compel many Francophones to work in their second language. In most of the cases brought to our attention we noted that the burden of bilingualism falls unduly on the shoulders of the employee; this runs counter to the spirit and the letter of the Act.

Governor in Council regulations

Despite several praiseworthy initiatives, efforts to meet the established language of work objectives have been marking time for many years. The 1988 Act has the great merit of recognizing for the first time the right of federal employees to choose their language of work in the National Capital Region and other designated regions. But the Act alone cannot generate the necessary momentum. In our view, this is attributable to both the vagueness of current policies and the lack of real will on the part of many senior managers for whom the equality of status of English and French in the workplace is not a priority. We believe it is necessary and urgent for the rules of the game to be clarified once and for all by Governor in Council regulations which are accompanied by policies on all aspects of equality of status for the two official languages in the workplace. The problem's human side as well as its material aspects (automated systems, work instruments, documentation, central services) affect the creation and maintenance of a work environment conducive to the effective use of both languages (supervision, language policy in work units and within the entire organization) and must be defined. Once that has been done, federal employees will at last know their rights and be encouraged to exercise them. The human factor in this equation is always more complex to deal with than the material side, but is nonetheless the key to the development and enhancement of the use of English and French as languages of work.

PART III

Evaluations — Fifty Institutions

Implementation Drop by Drop

Evaluations — Fifty Institutions
Implementation Drop by Drop

In the preceding part of this Report we presented our observations as ombudsman and analysed thematically the performance of the 50 institutions that are examined in this part in terms of service to the public, language of work and the equitable participation of the two language groups.

Of the approximately 160 federal institutions subject to the Official Languages Act, 50 departments and Crown corporations have again been selected for evaluation this year. They range in size from a few hundred employees to tens of thousands. Each institution differs in terms of its mandate, the public it serves and the geographical distribution of its offices.

The 15 institutions marked with an asterisk were chosen because they were the subject in 1989 of a language audit or follow-up by our Office. Twenty-six others were selected because of their importance, their visibility or the many complaints we received about them. Seven had not been evaluated for some years and it was therefore necessary once again to take their linguistic pulse. Three appeared during the year before the Standing Joint Committee on Official Languages. Finally, certain institutions were selected on the basis of a combination of the criteria stated above.

In our evaluations we mention instances where a letter of understanding on official languages was concluded this year between the department and the Treasury Board . Finally, it should be noted that these evaluations were discussed in detail with the institutions in question and that, insofar as possible, they reflect the comments received.

As in the preceding part, linguistic performance is evaluated in terms of the three basic elements of the Act: service to the public, language of work and equitable participation. We also make observations on the administration of the official languages program in the departments, agencies or Crown corporations that were the subject of a language audit or follow-up in 1989. Finally, in each instance, we mention the number of founded complaints received and comment on the degree of co-operation we received from the institution in settling these complaints.

Each evaluation begins with a general assessment of the impact of the new Act on implementation of the official languages program within the institution. This year, the focus is on the tangible results achieved, in light of the situation noted in previous reports. An analysis of the ratings assigned to the institutions shows that in at least 80% of the cases, the 1988 Act has had limited or little impact on implementation of the program.

Agriculture

In a context of gradual downsizing and restructuring, Agriculture Canada succeeded by and large in maintaining an adequate bilingual capacity in the area of service to the public. As for the language of work, little progress was made in upgrading the language skills of supervisors. Imbalances in equitable participation persist. In short, the 1988 Official Languages Act has had a limited impact on the implementation of the official languages program in this organization.

As in 1988, members of the public can generally obtain services in the official language of their choice. However, in Toronto and Winnipeg the number of bilingual employees is insufficient to ensure that there is regular service in both official languages.It is worth noting, however, that from now on the Department will publish its federal-provincial agreements in both official languages. Furthermore, the Department has indicated that the clientele affected by these agreements will receive services in the official language of their choice. Agriculture Canada finally plans to introduce new symbols of active offer of service and to measure their effectiveness with the public.

In the area of language of work, the Department undertook a study on the use of French in computer technology. This study is to be completed by March 31, 1990.

The Department has taken action to promote the free use of both official languages at branch meetings. Moreover, 79% of the supervisors meet the language requirements of their positions, an increase over 1988. Nevertheless, of the 923 bilingual supervisory positions, 16(1.7%) require the elementary level of bilingualism, 838 (90.8%) the intermediate level and 69 (7.5%) the superior level.

During 1989 Agriculture Canada revived its language training follow-up program for supervisors, including employees in the Management category whose positions will all have a superior level of bilingualism by 1997.

Considering the mandate of Agriculture Canada, the location of its offices and the clientele it serves, Francophone participation remained low again this year at 21.7%. While participation in the Management category increased by 2.3% from 1988 it is still only 16.8%. In the Scientific and Professional category Francophones account for 19.2% of staff, up by 0.5% from last year. In Quebec

Anglophones represent only 3.5% (48 of 1,375 employees). This is a slight decline from 1988. Finally, there is still room for improvement in New Brunswick where Francophones account for only 20.3% (77 of 379 employees).

There were 15 founded complaints involving Agriculture Canada, which is an increase of 4 from 1988. With the exception of two complaints related to language of work, all others dealt with service to the public (signage, unilingual reception and announcements in the minority press).

Air Canada*

Air Canada, where privatization and major organizational changes were the order of the day in 1989, maintained its already extensive bilingual capacity, but little progress has been made since 1988 in service to the public. The complaints brought to our attention show that the Corporation cannot afford to slacken its efforts in order to comply with the requirements of the 1988 Official Languages Act. As for language of work, Air Canada is trying in various ways to give French its place, but progress is still slow. In short, the 1988 Act has had little impact on the implementation of the official languages program at Air Canada.

With regard to language of service, the Corporation is continuing to substantially increase its complement of bilingual flight attendants. It hired more than 300 bilingual attendants in 1989 and their training included a presentation on official languages. Despite this, service is not always readily available in both official languages and the distribution of bilingual personnel at various service points (airports, ticketing, reservations) still appears to us to be inadequate. Air Canada is seeking to correct the situation and should energetically pursue its discussions with the unions in order to reach an agreement on the assignment of bilingual employees on the basis of service requirements and work shifts. As we have often noted, unilingual agents do not always call on the services of a bilingual colleague when necessary, despite the reminders given to them. Employees in city sales offices now have access to a computerized program containing English and French terminology useful in the performance of their duties in both languages.

At the Ottawa and Toronto airports, special counters have been designated where bilingual service is available at all times. However, counters where bilingual service is available are not always identified at other airports such as Vancouver and Winnipeg. The Saskatoon, Saint John and Charlottetown airports are still staffed with only one bilingual employee. Nevertheless, Air Canada took effective measures to serve the public in both official languages during the Canada Games held in Saskatoon in 1989. Given the present bilingual capacity, it is surprising, to say the least, that some announcements are made in only one language. However, new improved messages have been taped in both official languages and have been distributed to the major airports.

Air Canada's active offer of both in-flight and ground services in both languages is still highly inadequate. Outside Quebec, passengers are greeted at the aircraft door almost exclusively in English and the same holds true for various services provided during the flight. To correct these shortcomings, the Corporation continued its awareness program called the "Customer Care Program" by distributing to its flight attendants a brochure containing a "Customer Bill of Rights" which deals with language rights. Moreover, Air Canada accepted our recommendation that it develop a language training program to enable certain unilingual flight attendants to provide bilingual services using a limited vocabulary.

As a language of work, French is still far from occupying its rightful place in the Maintenance Branch at Dorval and the Flight Operations Branch. In the first case, the DC-9 job card translation experiment will determine whether it is feasible to carry out certain maintenance work in both official languages in a technical environment where French is having difficulty gaining a foothold. With respect to supervision, we note an improvement, since more than three-quarters of supervisors in the maintenance hangers are now bilingual. In the Air Operations sector a task force responsible for proposing ways in which to increase the use of French by Francophone pilots submitted its recommendations and they are being studied by management. In practical terms, a lexicon of French technical terms was prepared and a pilot cassette of a simulated flight, produced in French, was disseminated.

The problems caused by the centralization of crew scheduling last year are well on the way to being resolved. Once this process is completed, flight attendants in Montreal should not have any difficulty, early in 1990, in dealing in French with this service, to which exclusively bilingual personnel will be assigned.

Due to a reorganization within Air Canada, information on Anglophone and Francophone participation was not available at the time of writing.

As part of the management of its official languages program, Air Canada continued its major communication and awareness campaign among its managerial staff and those in contact with the public. It also undertook to check airport signs as well as recorded messages in the reservations offices of certain cities. The development of a computerized management information system, which was still not completed at year's end, should enable the Corporation to correct its shortcomings regarding monitoring.

Of the 131 complaints received in 1989 (150 in 1988), 64 involved the language of ground service, 16 were concerned with in-flight services and the remaining 40 dealt with various other aspects of the language of service. Nine complaints were about language of work, and two others about the administration of the official languages program. We regret that the quality of certain answers

provided by the Corporation in connection with the handling of complaints does not always allow us to settle them satisfactorily. Moreover, we received more than 110 reports about Air Canada's failure to publish its advertisements in the minority French-language press.

As in past years, a number of complaints were received against Air Canada partners about unilingual counter service and unilingual boarding and in-flight safety announcements. Customers wonder why Air Canada has not extended its own language obligations to its affiliates. In addition, it is not always easy to distinguish Air Canada from its affiliates or to understand why services are in both languages in one case but not in another. Air Canada should take the required action with respect to its partners who use its symbol in marketing campaigns to ensure that the provisions of the Official Languages Act concerning, at the very least, safety announcements, are respected.

Atomic Energy of Canada Limited

Since our last evaluation in 1984, Atomic Energy of Canada Limited has continued to provide an acceptable level of service to the public in both official languages. However, serious problems persist in the areas of language of work and equitable participation. In short, the 1988 Official Languages Act has had little impact on the implementation of the official languages program in this organization.

With respect to service to the public, this Crown corporation ensures that its signage and documentation are bilingual. Active offer of service in both official languages is advocated at the Corporate Office in Ottawa, the Montreal office of CANDU Operations and in research facilities. AECL's Research Company distinguishes itself by its bilingual guided tours and documentation.

Nonetheless, a number of serious systemic problems mean that French is still very rarely used as the language of work in the field of nuclear research. The bilingual capacity of supervisors is clearly insufficient. Compounding these rather adverse circumstances is the fact that most computer programs, now indispensable work instruments, are available in English only. Given this situation, there has been little success in establishing French as a language of work.

In terms of equitable participation, the situation is unacceptable: Francophone participation remains at 6%. In 1989 there were no Francophone members on the Management Committee at the Corporate Office. Only one of the 13 management staff at the research facilities is Francophone. Order in Council appointments follow the general trend — one (7.7%) Francophone out of 13 appointments. In 1989 the rate of Francophone recruitment was 11.8% (29 of 245).

Only one complaint was lodged against AECL in 1989. It concerned unilingual English entries in the Montreal telephone directory.

Canada Labour Relations Board*

The Canada Labour Relations Board has maintained its good performance since our evaluation in 1983. At the Ottawa headquarters, where about 75% of its employees are located, it provides all services in both official languages, but there is an inadequate bilingual capacity in some regional offices. Both official languages are used at the headquarters in the work environment but low Anglophone participation still persists after many years. In short, the 1988 Official Languages Act has had limited impact on the implementation of the official languages program in this organization.

At headquarters 94% of incumbents of bilingual positions meet the language requirements of their positions, ensuring that services are actively provided in both languages. In Montreal all eight positions and incumbents are bilingual. However, the Toronto and Winnipeg offices have only a limited bilingual capacity and basic service is provided by the support staff. In view of the minority clientele involved and the nature of the services provided, these offices should be in a position to provide the full range of services in both official languages. There are no bilingual positions or employees at Dartmouth, Nova Scotia, and, since the Board considers any demand in the minority official language as significant, service in French at this office is provided by direct telephone lines to headquarters. Given that the Dartmouth office serves New Brunswick and other bilingual areas of the Atlantic region, the Board should re-examine its bilingual capability there.

Both official languages are used at headquarters, where all supervisors except one are bilingual. Both languages are used at meetings. Performance appraisals and central services are offered in both English and French.

Of the Board's 99 employees, 34 are Anglophone, which is low. Anglophone participation is particularly low in the Administrative Support category (26%) and in the Administrative and Foreign Service category (33%). On the other hand, only one of seven senior managers is Francophone. Reasonable steps to redress these imbalances are needed.

We received no complaints against the Board in 1989.

Canada Mortgage and Housing Corporation

Overall, the Canada Mortgage and Housing Corporation continued to fulfil its obligations in the areas of service to the public and language of work in 1989. However, imbalances in the participation of the two language groups persist in certain regions and sectors. In short, the 1988 Official Languages Act has had limited impact on the implementation of the official languages program in this organization.

In 1989 the Corporation has continued to maintain sufficient bilingual capacity to meet demand at the National Office and at designated bilingual offices.

However, we noted some shortcomings involving the Corporation's use of the minority language press.

In terms of language of work, CMHC has made efforts to fulfil its language obligations with respect to work instruments, computer systems, training programs and central and personnel services. As a result of its language training program CMHC increased the proportion of bilingual supervisors by 9% in 1989. The proportion of incumbents of bilingual positions meeting the language requirements of their positions rose from 70.5% (232 of 329) in 1988 to 79.5% (256 of 322) in 1989. Employees at the National Office are aware of their right to work in their preferred official language. In order to promote the use of French the Corporation has continued its "French Days" program and provides French courses to employees with a view to developing basic skills and maintaining or upgrading previously acquired skills. Translation and revision services are available to employees. In general, communication with Quebec is carried out in French or in both official languages.

Anglophone participation seems inadequate in the Administrative Support category, especially in the National Capital Region. The problem of low overall Anglophone participation in Quebec is also a serious one. In fact, of the 388 employees in this province, only 12 (3.1%) are Anglophone. Measures to ensure more equitable participation of the two language groups in the various sectors and compliance with the provisions of the Act are in order.

Thirty-two complaints were lodged against CMHC in 1989, compared to 11 in 1988. Fifteen concerned the lack of French-language services at Vancouver's Granville Island. Most of the others dealt with CMHC's failure to advertise in the minority language press. As in the past, the Official Languages Group cooperated fully with us in resolving these complaints.

Canada Post Corporation*

Numerous initiatives were taken by the Canada Post Corporation in 1989 to improve its linguistic performance. While some met with success others did not result in significant progress in resolving some of the more pressing problems noted in previous years. Some of the positive measures included extending the network of bilingual outlets, consulting with minority official language associations, developing language training plans for unilingual incumbents of supervisory positions and publishing a language of work article in the internal newspaper. On the other hand, services and signage in bilingual privatized outlets are once again problematic and Canada Post still has improvements to make in supporting the use of French in the workplace. Nevertheless, the Corporation provides for the overall equitable participation of both language groups. The Corporation needs to follow through more carefully on the positive steps that are

taken every year if the language needs and rights of its clientele and employees are to be addressed effectively. In summary, the 1988 Official Languages Act has had limited impact on the implementation of the official languages program in this organization.

It has been two years since the Corporation began introducing toll-free customer service lines in both official languages. However, telephone listings in different parts of the country are not always clear in directing minority language customers to the number where they can be served in their own language. Until these problems are corrected the availability of this service will fall short of meeting the linguistic needs of Canada Post's clientele and the requirements of Section 28 of the Act on active offer of services.

Problems persist with services provided by corporately-operated post offices. Complaints and on-the-spot checks have shown that the Corporation has considerable difficulty ensuring that its own bilingual network provides service in the language of the customer at all times. The Corporation has stated in the past that in order to provide full-time counter service in both official languages in larger post offices a minimum of three bilingual employees is needed. As described in 1988, Canada Post has been unable to negotiate an agreement with the employees' union that would allow the use of imperative staffing of bilingual positions where needed. At the time of writing, contract negotiations were under way with the Canadian Union of Postal Workers and the Corporation was once again pursuing the issue in this context. The same issue has already been resolved with the Association of Postal Officials of Canada with the latest negotiations resulting in the two parties agreeing to the use of imperative staffing for supervisory positions where needed.

Canada Post has shown in 1989 that even in the absence of imperative staffing for counter service positions management has means at its disposal for providing service in both official languages without necessarily waiting for unilingual employees to complete language training, which can take up to six months. Prompted by almost two dozen complaints about the lack of service in French at the two bilingual postal outlets in Edmonton, the Corporation filled one of the bilingual positions with a linguistically qualified employee while the incumbent underwent French-language training. Such an arrangement relies on the availability of bilingual employees; we believe that similar initiatives can be used elsewhere.

Privately-operated franchises and retail postal outlets now account for one-third of all postal outlets. A clear language clause is inserted in contracts with operators of bilingual designated postal counters. Nevertheless, one-half of all complaints concerning service and signage in postal outlets last year referred to private outlets (an increase of over 200% from 1988). Our investigation of these cases found that the Corporation was not adequately monitoring compliance with

linguistic obligations. In 1989 the Corporation announced new mechanisms to monitor the application of corporate policies by private outlets. As more and more privately-operated postal outlets are established across the country, compliance monitoring in this area becomes increasingly important.

Canada Post is conducting market studies in urban centres across the country to determine where its facilities could best be located. In our examination of the Winnipeg results we found that the client survey did not include any customer language preference data. This has since been corrected. The studies provide an excellent opportunity to establish objective criteria in deciding locations of bilingual outlets and appropriate language questions should be included in these surveys.

The Corporation should also hasten implementation of plans to refer minority language customers to locations where services are available in their own language. It is of little comfort to a Francophone in Regina or an Anglophone in Trois-Rivières that certain postal outlets in their respective communities are designated bilingual if they do not know where they are...In 1989, in improving its active offer program, Canada Post placed signs in some unilingual outlets listing the local bilingual service points, but application of the program is proceeding slowly. Information and signs are needed wherever bilingual service is limited to selected outlets.

Measures taken as partial implementation of our recommendations on language of work included developing language training plans for unilingual incumbents of bilingual supervisory positions, publishing an article in the Corporation's internal newspaper on the use of the two official languages in the workplace, issuing memoranda to management on employees' right to be supervised and to receive performance appraisals in their preferred language and finding equivalent courses in French for those courses offered outside federal institutions. However, our investigation of language of work complaints revealed that a greater effort is needed to create a working environment conducive to the use of French. For example, even in Quebec City some internal documents were being distributed exclusively in English. Investigations of several cases at the Ottawa mail processing plant revealed that, despite a work force of hundreds of Francophones, several supervisors were unilingual and various widely used work documents and reports circulated only in English. Corrective measures are now being taken.

Canada Post has 63,252 employees. The participation ratio is 74.6% Anglophone and 25.4% Francophone. Given the mandate, location and public served, this is well balanced. Francophones make up 27% of senior management. However, regional imbalances persist. One such imbalance is the Anglophone participation in Quebec, which only accounts for 2.5% of Corporation employees in that province. Within the Montreal area alone the figure is only 2.1%, a situation which should be addressed. In the Atlantic region 5.2% of employees are

Francophone and in Toronto there are even fewer Francophones (17 or 0.1%) than in 1988 (19). In the face of downsizing the Corporation will have to make a concerted effort to ensure an equitable participation of both official language groups.

The Corporation has an Official Languages Steering Committee as well as a special committee of senior managers to assist in the management of the official languages program. Measures were taken in 1989 towards completing integration of program goals into operational plans.

In 1989, 359 complaints (a 50% increase over 1988) were lodged against the Corporation. Reflecting the high level of public contact, the majority (94%) concerned service to the public. Fifteen complaints related to the use of the two official languages in the workplace.

Spot-checks of more than 3% of cases which had supposedly been resolved revealed that problems recurred despite previous reports that corrective measures had been taken. In three instances the problem persisted despite a second, third or fourth indication that corrective action had been taken. These cases try the patience of the complainants involved and do a disservice to an otherwise useful official languages program.

Canadian Broadcasting Corporation

The Canadian Broadcasting Corporation has given new vigour to its official languages program in 1989. It has established a team responsible for administering official languages and has created a national committee on official languages that includes representatives from each of the Corporation's sectors. Some problems persist, however, with regard to service to the public, language of work and the equitable participation of the two language groups in the CBC. In short, the 1988 Official Languages Act has had limited impact on the implementation of the official languages program in this organization.

Under its mandate concerning service to the public, the CBC must provide radio and television broadcasting service to the minority official language communities. In this connection, it conducted a study in 1989 of the programming needs of Francophones outside Quebec, the results of which we await with interest. However, the complaints received from the public indicate problems in terms of the active offer of bilingual service in the regions. In Charlottetown, for example, telephone greeting is only in the process of becoming bilingual after a two-year wait and repeated complaints. In Toronto the internal telephone system was modified without regard for the linguistic effects of this action. In Vancouver, as a result of five complaints, the Corporation was obliged to review the bilingualism of its exterior signage and of the greeting at the main door of its building on Hamilton Street. It was on our own initiative, however,

that we asked the CBC to ensure respect in the regions for its policy of bilingual identification in telephone directories across Canada.

The national committee on official languages began work on an in-depth review of the Corporation's language performance towards the end of 1989, including an examination of the language requirements of positions and the creation of an improved data-collection system. The committee also planned to take an inventory of CBC work instruments and to check their compliance with the Act. Progress is apparent. The bilingualization of automated systems in particular has been the subject of sustained efforts on the part of the CBC in recent years.

At headquarters in Ottawa, Anglophone participation is low, at 53% (282 employees). This represents a serious decrease from 1988. In view of the CBC's mandate, its clientele and its location, it should take the measures required to rectify these imbalances.

We received 50 complaints about the CBC in 1989, 31 more than 1988. As noted, most of the complaints had to do with shortcomings in service. Once again, some of these complaints reminded us that it is sometimes very difficult if not impossible to receive CBC radio and television signals in certain regions of the country. We received only two complaints about language of work.

Canadian Security Intelligence Service

In 1989 the Canadian Security Intelligence Service pursued its efforts to improve its service to the public. Although various positive measures were taken, French still does not always enjoy its rightful place as a language of work. As for the participation of the two language groups in the Service, it is no longer balanced, since the proportion of Anglophone employees declined in 1989. In short, the 1988 Official Languages Act has had only a limited impact on implementation of the official languages program in this organization.

Overall, the percentage of incumbents of positions designated bilingual who meet the language requirements fell from 75% in 1988 to only 68% this year. This significant drop is attributable to the raising of the language requirements of positions in the Management category and of a number of positions in the National Capital Region. However, 96% of the incumbents of positions designated bilingual for the purpose of service to the public now meet the required standards.

With regard to language of work, the Service has taken a number of steps to improve the equality of status of the two languages. Performance evaluation forms now have a box allowing employees to indicate their language preference and participants in meetings are invited to speak in the language of their choice. As for the basic training courses for new recruits, we noted considerable progress. For example, 30% of the courses are given in French, 30% in English

and 40% in both languages. Moreover, as was not the case in previous years, no complaints were received this year concerning communications between Headquarters and the Quebec region. However, if CSIS is to ensure that French has its proper place in bilingual regions, it will have to take steps to improve the language skills of incumbents of positions designated bilingual for language of work. This year, despite raising a number of language profiles, 76% of managers met the language requirements of their positions, 1% more than in 1988. The organization recognizes that there is more to be done in this area, and we encourage it to pursue its efforts in this regard.

There was a seven-point drop in the participation rate of Anglophone employees in CSIS this year. It now stands at 69%. Anglophones are particularly under-represented in the Administrative Support category, where they now fill approximately half the positions. The number of Francophones in management positions has increased to 25%. Regionally, the percentage of Francophone employees is still somewhat low in the Ottawa regional office, where it rose from 19 to 22%. In view of its mandate, CSIS should take measures to rectify this imbalance.

We received no complaints about the Canadian Security Intelligence Service in 1989. There were 11 in 1988.

Office of the Chief Electoral Officer

On reading his report tabled in Parliament on March 31, 1989 concerning the November 21, 1988 election, it is clear that the Chief Electoral Officer continues to attach great importance to the right of Canadians to vote in their own language. He notes the problems that led to many complaints from voters concerning their language rights and makes a commitment to solving them. The Chief Electoral Officer will also have to take measures to improve the availability of software and computer training manuals in both languages and to rectify a serious problem with respect to balanced participation. In short, the 1988 Official Languages Act has had a limited impact on the implementation of the official languages program in this organization.

Following changes to the electoral map in 1987, Elections Canada reduced its criterion for significant demand to include electoral districts with a minority official language population of 3%, down from 5%. This has increased the number of electoral districts considered bilingual by the Office from 92 of 282 to 98 of 295. The Chief Electoral Officer is aware that this definition of significant demand will have to be reviewed in light of Section 24 of the 1988 Official Languages Act, which requires that his Office provide its services in both official languages everywhere in Canada and abroad. The installation of a toll-free telephone line (1-800-VOTE) and a contract entered into with Reference Canada are steps taken in this direction. Between them, these services answered some 114,000 requests for information from voters in all parts of Canada in the official language of their choice.

Elections Canada has an outstanding bilingual capacity. All incumbents of bilingual indeterminate positions, which number 36 or 86% out of the total staff complement of 42, meet the linguistic requirements. Of the 117 employees hired on a temporary basis at the time of the last general election, 44 filled bilingual positions. However, the bilingual capacity of many temporary employees hired by the 295 returning officers was unsatisfactory. We received approximately 100 complaints about the 1988 general election, three times as many as in 1984. Nearly one-third of these complaints, however, concerned the information program for voters, for which Elections Canada was entirely responsible. In his report to Parliament, the Chief Electoral Officer has made the commitment to assign greater importance to official languages in training courses given to returning officers and information sessions for political parties, and to re-evaluate his information program for voters.

Members of the Commission created in November 1989 to consider changes to various electoral laws should take into account the specific linguistic requirements that the Official Languages Act imposes on the Office of the Chief Electoral Officer in their recommendations to the Government.

The use of both official languages in internal oral and written communications poses little problem, due to the high level of bilingualism of the Office's personnel. Nevertheless, Elections Canada plans to conduct a study of the language of work among its employees in 1990. Meanwhile, although the computerized system used by the Office can produce documents in both official languages, employees are required to work with software and training manuals that are unilingual English. This anomaly should be rectified as quickly as possible.

The Achilles' heel of the Office of the Chief Electoral Officer is without doubt the low rate of Anglophone participation, which increased from 18% in 1984 to 22.5% in 1987, but now stands at only 17% of employees in the Office. In view of its mandate, the location of its office and the clientele served, this situation is unacceptable. Senior management should take every available measure to redress this situation as soon as possible.

The two complaints that we received in 1989 involving the Office of the Chief Electoral Officer concerned service to the public. The Office signed a letter of understanding with Treasury Board on official languages during the course of 1989.

Communications

Except for some minor shortcomings, the Department of Communications is living up to its language responsibilities in the area of service to the public. However, when it comes to language of work and equitable participation, we encounter problems. In short, the 1988 Official Languages Act has had limited impact on the implementation of the official languages program in this organization.

As we mentioned last year, the Department of Communications actively offers services in both official languages. The Department ensures that signs are bilingual in all offices, both in the regions and at national headquarters. Except for a few discrepancies, it does ensure that greetings are offered in both official languages. All publications for the public are available in both English and French. Notices and announcements published in the written press appear in both the English-language and French-language press. Nevertheless, we urge the Department to follow up on the commitment it has made for the past three years to regularly monitor user satisfaction with respect to the language of service.

We do have some reservations regarding the Government Telecommunications Agency and we ask that it intensify its efforts to ensure that bilingual telephone services of equal quality are provided at all times throughout the government network and that bilingual entries in the blue pages of telephone directories are of good quality.

The situation with respect to language of work also concerns us. Owing to the nature of the Department's activities and the level of bilingualism in some sectors, such as spectrum and technology, the use of French as a language of work is not at the level it should be. These sectors have been particularly affected by the dominance of English in these fields in North America and elsewhere. We encourage the Department to take any action required to improve the status of French as a language of work.

The problem noted last year with regard to the participation of both official language groups worsened during 1989. Anglophone participation, which was 65.9% in 1988, dropped to 63.8%. In our opinion, this is inadequate, given the organization's mandate, the public it serves and the location of its offices. The decrease occurred in most job categories. It is primarily in the Administrative Support category that the proportion of Anglophones is low (49.4%). We noted that Anglophone participation in Quebec improved slightly, rising from 4.3% to 6%. This trend should continue.

There were 11 complaints against the Department in 1989, compared to 14 last year. These complaints concerned language of service, particularly telephone reception and documentation. The Department signed a letter of understanding with Treasury Board on official languages in 1989.

Comptroller General

In 1989 the Office of the Comptroller General continued to provide members of the public and federal employees with services in both official languages that, on the whole, were of good quality. However, the problems previously pointed out in our reports were noted once again: the underutilization of French as a language of work and imbalances in participation. In short, the 1988 Official Languages Act has had a limited impact on the implementation of the official languages program in this institution.

The Office of the Comptroller General has little contact with the members of the general public and its clientele consists mainly of people making inquiries about federal financial administration. It communicates with clients in the appropriate official language. Similarly, its general interest publications are available in both languages.

With respect to language of work, the Office recognizes that, as a central agency, it must deal with the employees of other institutions in the official language that they wish to use. It generally offers services to federal employees in both languages, with the exception of certain workshops and presentations where French is not sufficiently used. The percentage of incumbents who do not meet the language requirements of their position rose from 15.8% last year to 30.3% (30 out of 99) this year. This increase, which is disturbing at first sight, resulted in large part from the fact that in December 1987 the Office approved an upgrading of the language profile of positions such that 40% of Management positions would have the superior level in 1991. Given this fact, the Office should continue to monitor this situation very closely in order to enhance its capability to deal with other federal institutions in both languages in the future.

Within the Office itself, French still does not always enjoy its rightful place. In this regard, we noted that 31.1% (14 out of 45) of the incumbents of bilingual positions in the Management category, and 32.4% (12 out of 37) of those filling bilingual supervisory positions have not satisfied the language requirements of their position.

The low participation rate of Francophones in officer positions is also a factor that works against the use of French in the workplace. In 1989 there were only 17 Francophones (17.2%) among the 99 employees filling positions in the Management, Scientific and Professional, and Administrative and Foreign Service categories. In 1988 their participation rate in these categories was 23.5% (24 of 102). In addition, the participation of Anglophones in the Administrative Support category declined considerably: from 57.7% in 1988 (15 of 26) to 37.5% in 1989 (six of 16). Considering its mandate, the location of its offices and the clientele served, the Office should take the necessary steps to rectify this situation as rapidly as possible.

We have not received any complaints against the Office since 1985. The Office signed a letter of understanding with the Treasury Board on official languages in 1989.

Consumer and Corporate Affairs

The Department of Consumer and Corporate Affairs is pursuing its efforts to improve language reform. The year got off to a promising start with a letter of understanding with the Treasury Board and the drafting of a new policy on

official languages. In general, the Department complies with government official languages objectives. However, shortcomings still persist with regard to service to the public, language of work and equitable participation. In short, the 1988 Official Languages Act has had a limited impact on implementation of the official languages program in this institution.

Consumer and Corporate Affairs offers its services in both official languages. At headquarters bilingual capacity is somewhat weak in the Bureau of Competition Policy, compared to the Department in general. However, a pilot project on language training has been implemented to improve the skills of managers. The Department is also taking other measures to provide service in both languages, including consultations with official language minority groups.

With regard to language of work, there are still problems concerning the availability in French of work instruments and communication between headquarters and the Quebec Region. However, in connection with the pilot project on language training in the Bureau of Competition Policy, an appropriate glossary will be developed and made available to employees to encourage the use of French as a language of work. The Department is awaiting the results of this project before extending it to the entire organization. Any initiative designed to enhance the use of French as a language of work is welcome.

Again this year, we must mention that the participation of Anglophones (63.3%) in Consumer and Corporate Affairs is low considering the Department's mandate, its clientele and the location of its offices. More specifically, it is still low in the Administrative Support (51.6%) and Administrative and Foreign Service (60.6%) categories. In addition, Anglophone participation remains very low in Quebec (5.3%). There has been a slight increase in Francophone participation in the Management category; it now stands at 23.3%.

In a related area, it should be noted that we are receiving an increasing number of complaints about the lack of bilingualism in the labelling of consumer products. The problem is all the more serious since it may involve the health, safety or security of the Canadian public. Under Section 26 of the Official Languages Act, every federal institution that regulates the activities of third parties that relate to the health, safety or security of the public has the duty to ensure that the latter receive service in both official languages. We encourage the Department to pursue its efforts, in co-operation with other departments that also have a responsibility to the consumer, to strengthen measures concerning the labelling of all consumer products, bearing in mind the impact of bilingualism in this regard.

Of the 30 founded complaints involving Consumer and Corporate Affairs which we investigated this year or which are still under study, as opposed to six in 1988, 24 dealt with the labelling of consumer products and six with service to the public. Following investigation, 30 other complaints turned out to be unfounded. In all cases, the Department co-operated fully in processing these files.

Correctional Service*

Although some progress was made in 1989, the Correctional Service of Canada (CSC) still faces significant problems with its official languages program. Delivery of health care services to inmates in the minority official language outside Quebec is still inadequate. French does not yet occupy its rightful place as a language of work at headquarters or in New Brunswick, and the overall participation of the two language groups within the Service remains virtually unchanged over the past year. In short, the 1988 Official Languages Act has had limited impact on the implementation of the official languages program in this organization.

The CSC's bilingual capacity improved slightly in 1989. Of its 10,190 positions, 1,851 are bilingual and, 642 (88.7%) of the incumbents met the language requirements of their positions — a 2% improvement from 1988. The Service's bilingual capacity at headquarters, in Quebec and in the Atlantic Region is generally good.

As part of a comprehensive review undertaken this year on the language profile of its clientele, the Service has begun to develop a standard system for improved recording and reporting inmates' preferred official language. This information will allow institutions to actively offer their services in either official language, which is not always the case at present. Henceforth, all employees in the five regions will receive a reminder on this twice a year.

The Service estimates that it needs 35 additional bilingual health care professionals in order to be able to ensure that all inmates across the country receive adequate services in the official language of their choice. At present, Ontario has only one doctor and one part-time psychiatrist able to practise in French and only six of its 97 nurses are bilingual. The Atlantic region recruited its second bilingual doctor in 1989 and relies on the services of some ten nurses who can function in both official languages. However, the Atlantic Institution in Renous, New Brunswick, has no doctors able to speak French and only one linguistically-qualified nurse. Despite the difficulties it encounters in recruiting doctors, we encourage the Service to continue its efforts to attract bilingual health care professionals and to set up a scholarship program for bilingual medical students.

The Atlantic Region has improved its bilingual capacity for case management. Moreover, the Quebec Region has taken steps to speed up production in the inmates' preferred official language of case management reports that concern them and to which they are entitled. However, two complaints received in the fall from Anglophone inmates lead us to believe that, as this Report goes to print, full implementation of these measures had not yet occurred. We hope an agreement concluded at the end of the year between the Quebec Region and the Translation Bureau will greatly improve the situation. Another problem is that inmates sometimes appear at a disciplinary hearing before a chairperson who does not

understand their language. It therefore becomes necessary to call upon the services of a bilingual employee to act as an interpreter. This situation, which occasionally occurs in Ontario and the Prairie Region because of a lack of bilingual independent chairpersons, is unfair to both inmates and employees. The CSC has obtained an opinion to the effect that a disciplinary court constitutes a federal court within the meaning of the Official Languages Act. The Service now intends to recommend to the Solicitor General that a greater number of bilingual independent chairpersons be appointed to satisfy the requirement under the Act that they be able to understand both English and French without the assistance of an interpreter.

With regard to language of work, an internal audit revealed problems with communications between headquarters and the Quebec Region and identified the fact that some work instruments do not exist in both official languages. The Management Committee, for its part, continues to set the tone by making greater use of French during its meetings. However, a number of complaints from CSC employees in New Brunswick, from the Atlantic Institution in particular, indicate that it is still difficult to work in French there, even though improvements have been made since the arrival of a French-speaking Assistant Warden.

Although both language groups are participate equitably in four of the six occupational categories, Anglophone employees hold only 66% of the positions in the Service as a whole, 1% less than in 1988. This imbalance can be explained in large part by the fact that, of the nearly 3,000 employees in Quebec, only 1.6% are Anglophones. Given the CSC's mandate, its clientele and the geographical distribution of its offices, this situation needs to be rectified. By contrast, in the Atlantic Region where the situation continues to improve, Francophones now occupy 20.6% of positions, compared to 19% the year before.

We received 32 complaints concerning the Service this year, 15 more than in 1988. The majority concerned services to inmates. The Service signed a letter of understanding on official languages with the Treasury Board in 1989.

Employment and Immigration*

The Canada Employment and Immigration Commission remains one of the leading institutions with respect to the provision of services in both official languages to a dispersed and diverse public. However, despite significant action taken after the proclamation of the 1988 Official Languages Act, a number of problems persist. Firm action will be needed to increase the number of designated significant demand offices in line with the Commission's actual demand statistics and the requirements of the Act. Employees need to be advised further on the impact of the Act on their rights and responsibilities and supervisors need to continue to increase their capacity to function in their second official language. Significant improvement must be realized with

respect to the continuing problem of low Anglophone participation in Quebec. One of the many positive aspects worth mentioning concerns Alberta, where the regional network improved its bilingual capacity, Francophone participation and official languages program administration. In summary, the 1988 Act has had some impact on the implementation of the official languages program in this organization.

On the whole, most Commission employees in public contact positions are aware of their responsibilities to provide service in the preferred official language of the client. Information sessions have been held to ensure that employees understand the need to actively offer their services in both official languages. Some slip-ups do occur, as shown by the some 120 complaints on this subject received in 1989. These were distributed evenly throughout the country and mainly concerned inadequate bilingual service provided by telephone or in person. We note the opening of a centralized services centre in the Halifax-Dartmouth region; it offers the whole range of services in both official languages, an action recommended by us and achieved in concert with the local French-speaking community.

Although its own statistics indicate the need to expand its definition of significant demand, the Commission has not taken specific steps to increase the number of offices required to provide services in both official languages. Complaints indicate the need to re-examine policy in regard to, for example, communities in northeastern and southwestern Ontario, Prince Edward Island and the Val d'Or area of Quebec. Although some bilingual capacity does in fact exist at employment centres in these regions, the actual designation of some outlets as significant demand offices would help to ensure an adequate and constant capacity in both official languages.

Of the Commission's 24,285 employees, 6,109 (25.2%) occupy bilingual positions and 5,333 of them (87.3%) have the established level of language skills. In Alberta we saw a substantial improvement in bilingual capacity. In 1988, 26 of 80 employees (32.5%) did not meet the language requirements of their positions; now, 100% (92) do. This progress is due to increased access to language training and maintenance opportunities as well as efforts to recruit qualified bilingual personnel. In Manitoba 26 of 77 (33.8%) incumbents of bilingual positions do not meet the language skills requirements.

Overall, there is a 20% increase in functional capacity in the second official language by supervisors. At headquarters bilingual supervisory positions are progressively being increased to the advanced level. The Commission's three-volume glossary of terms is being brought up to date and a working group has been set up to support the use of French in information technology. In the Quebec Region a study of the distribution of work instruments in both official languages revealed the need for increased translation resources.

Overall participation rates have not changed significantly in the last three years. Anglophone employees make up 66% of total staff and Francophones make up 34%. However, the statistics are distorted by the exceptionally inadequate Anglophone participation in the Commission's offices in Quebec. Once again we must report on the insignificant increase in the number of Anglophone employees in the Quebec Region (164 in 1988, 191 now). They represent only 3% of the 6,367 employees in that region, this despite the Commission's statements that the regional authorities are aggressively tackling the problem. In view of the requirements of the Act for equitable participation, taking into account the mandate, location and clientele served, this is an unacceptable situation. An interesting comparison is Alberta, where Francophone participation is now 2.4%, thereby meeting the requirements of the Act relative to equitable participation.

The Commission still has to complete the revision of its policies and procedures to reflect the Act and to inform its employees at all levels of the implications. It has submitted to Treasury Board its first annual report on progress made towards meeting the commitments set out in its Letter of Understanding concerning various aspects of the program. On a regional level the official languages program in Alberta has been invigorated by encouragement from senior management. This has allowed for increased contact between the official languages co-ordinator and managers and employees to explain rights and responsibilities. Increased dialogue with minority official languages communities and accessibility to language training for employees in bilingual positions are the other positive factors.

We received 141 complaints this year, compared to 114 in 1988 and 137 in 1987. Some 120 concerned language of service, reflecting the decentralized nature of the Commission. Of those, some 37 were person-to-person situations, some 31 concerned telephone contact, 13 involved written communication and nine were about the quality of French produced by the translation software of the computerized job card system in its employment centres, a problem mentioned last year and still unresolved. The other 30 concerned a mix of signs, forms, recorded messages and publications. Only five complaints concerned language of work.

Energy, Mines and Resources

Overall, the Department of Energy, Mines and Resources has maintained the same level of service to the public since 1988. Although French still does not have the status it should as a language of work, the Department has made good progress with respect to equitable participation over the past year. In short, the 1988 Official Languages Act has had limited impact on the implementation of the official languages program in this organization.

The Department has continued the use of pre-addressed feedback cards to obtain the views of clients on the frequency and quality of bilingual services and has

consulted with a minority association on ways and means to co-operate in reaching mutual goals. Furthermore, the Department is putting into place a toll-free number to provide information to the public regarding some of its programs. This initiative becomes particularly important since some of the Department's programs are being transferred to headquarters. However, we are concerned about the 8.5% decrease in the Department's bilingual capacity this year.

With respect to language of work, it cannot be said that French has equal status with English in the workplace. First of all, because of language testing, there has actually been a drop of 9% in the number of supervisors (63.2%) who meet the language requirements of their positions. Secondly, computer systems for specialized fields are not yet available in French. Again this year, we have received complaints about the paucity of bilingual work instruments and the limited use of French during meetings. The Department recognizes these problems and is taking steps to deal with them by participating in a study aimed at identifying the factors which help or hinder the creation of a work environment conducive to the use of both languages.

In view of its mandate, the public it serves and the location of its offices, overall Francophone participation is equitable at 26.1%. The number of Francophones has increased in the Management category (from 18.5% to 20.4%) and in the Scientific and Professional category (from 16.4% to 17.5%) over the past year. The Department is to be commended for its efforts in this area. However, at 3.6%, a drop of 0.9% from 1988, Anglophone participation in Quebec is still low. The Department must address this problem in the near future to achieve equitable participation throughout its organization.

We received 16 complaints against the Department of Energy, Mines and Resources (two less than in 1988), dealing with service to the public and language of work issues. The Department co-operates well with our Office in the resolution of complaints.

Environment*

In 1989 the Department of the Environment followed up on its intensive planning exercise of the previous year. It signed a letter of understanding with Treasury Board, revised its policies and formed an Official Languages Steering Committee. With respect to service to the public, a number of achievements were made which offset the growing number of complaints concerning national parks. Similarly, despite a number of positive initiatives, problems still persist in the area of language of work. With regard to participation of the two official language communities, the overall situation continues to be satisfactory, although irregularities still exist at the regional level and in some employment categories. In short, the 1988 Official Languages Act has had a certain impact on the implementation of the official language program in this organization.

Among its many achievements in the area of service to the public the Department conducted a survey of all its offices regarding active offer, significant demand and the availability of service in both official languages. The objective of both the survey and the presentation of Treasury Board's video-cassette on active offer was to increase employee awareness of the public's right to be served in the official language of its choice. In addition, the Atmospheric Environment Service took the necessary measures to correct the problem we identified in last year's report regarding telephone services in Sault Ste. Marie and North Bay. Telephone services of equal quality are now available in both official languages in these cities.

The parks in Western Canada adopted an action plan in order to remedy their shortcomings. It includes, for example, the identification of a bilingual wicket at the east gate of Banff National Park and the assignment of bilingual employees to the various sectors of the parks which have regular contacts with visitors.

As in previous years, French is still little used as the language of work in designated regions outside Quebec. This can be explained largely by the fact that only a small percentage (15.3%) of bilingual supervisors have language skills evaluated as superior, which is certainly not likely to encourage Francophone employees in these regions to use their language at work. However, some services have made efforts to increase the use of French in the workplace, particularly initiatives aimed at the use of both languages in meetings, the availability of bilingual documents and the use of French in scientific fields related to the environment.

Overall participation of the two official language groups, which is almost the same as last year, is fairly well balanced considering the fact that the Department is highly decentralized and that a large number of its employees work in unilingual regions. The Department has 7,568 Anglophone employees (80%) and 1,897 Francophone employees (20%). Francophone participation continues to be very satisfactory in the Administrative and Foreign Service (27.6%) and Administrative Support (30.2%) categories, considering the location of its offices, its mandate and the public served. It is still low, however, in the Management (17.5%) and Scientific and Professional (18.4%) categories. At the regional level the same irregularities exist as last year. Only 26.6% of the employees in New Brunswick are Francophones and, despite a slight increase of 0.8%, Anglophone participation in Quebec, at 8.2%, is still low.

Of the 54 complaints received this year (three less than in 1988), 52 concerned service to the public and 20 of those were about the service provided in person in the parks. The other complaints concerned signage, documents and telephone service. On the whole, the Department's co-operation in settling the complaints was satisfactory.

External Affairs *

Although on the whole the Department of External Affairs is discharging its language responsibilities quite well in terms of service to the public, it has been unable to surmount certain problems from year to year. Active offer of bilingual service is still deficient much of the time both in Canada and overseas and, in spite of the sizeable Francophone presence in the organization, French still does not enjoy its rightful place as a language of work. Our follow-up of the 1985 audit showed that the Department had yet to take the necessary measures to complete implementation of a number of recommendations, in spite of the efforts made to solve particular problems. In short, the 1988 Official Languages Act has had limited impact on the implementation of the official languages program in this organization.

In Canada, passport offices generally provide good bilingual service. The Department also deserves praise for its telephone information service on free trade, which has worked very well in both official languages all year. Unfortunately, the same cannot be said for the service at all the public telephone numbers; this situation should be rectified without delay.

Internationally, there are various indications that the Department must do more to reflect Canada's bilingual dimension. For example, a number of complaints were again lodged concerning unilingual reception over the telephone or in person at certain missions abroad. The scarcity of local bilingual staff, usually the cause of these difficulties, is not easy to rectify. We encourage the Department to redouble its efforts to hire local staff with an appropriate knowledge of English and French. In the meantime, current employees must clearly understand that the public's right to be served in both official languages must be respected at all times. Bilingual resources are sufficient in the majority of missions and it should be possible to do better. Moreover, the Department should take immediate action to prevent blunders of the type that occurred in Bonn last winter when, on the occasion of the Quebec premier's visit, the Embassy distributed part of its documentation to the press in English only.

The Department has hired more than 40 bilingual rotational secretaries this year, thus increasing the bilingual capacity of this group to 59.1% from 53.2%. Nevertheless, the percentage of secretaries who are unilingual or who have only a rudimentary knowledge of the other language remains high and limits the opportunities for Francophone officers in many divisions and missions abroad to work in their language. Language training for secretaries must be intensified if this difficulty is to be surmounted.

In terms of language of work in the Department, our attention focuses on three points: professional training, central services and work instruments. To all appearances, the Departmental action plan to give a larger number of Francophones an opportunity to take courses in their own language has begun to

produce results. Whereas in 1986-87, 65% of Francophones took their courses in English, this rate declined to 47% in 1988-89. The situation has changed little in central and personnel services, which overall have the necessary complement of bilingual staff. However, the Administrative Personnel Assignments Division has experienced difficulty in acquiring the bilingual capacity needed to give the various groups of employees service of equal quality in English and French. Although administrative provisions have been made, they cannot adequately compensate for the lack of bilingual assignment officers. The Division is aware of this problem and will take measures to increase the number of assignment officers who can work in both languages.

The first phase of the Department's integrated system of internal communications is being implemented at headquarters and at various posts in the United States. At this stage, the Department assures us that the system can operate in both official languages and that user training is available in both official languages. In short, everything seems to be unfolding as expected, with the exception of some elements like the user manuals, which are not yet available in French. In the same vein, the Department should accelerate the process of revising all its work instruments; some commonly-used manuals still exist in English only. Finally, most of the documents submitted to the various committees for study are drafted in English. This situation persists despite a memorandum from management two years ago inviting employees to use their preferred official language. The Department should try to find the reasons for this situation and then remedy it.

At 30.2%, the overall rate of Francophone participation in the Department has increased by two points since 1988. However, excluding Administrative Support staff, the percentage of Francophone employees is 25.9%. This is because Anglophones constitute barely 63% of the Administrative Support category, which alone accounts for 41.2% of the Department's 4,082 employees. This situation needs to be addressed. The participation of the two language groups is well balanced in the other job categories. Among senior managers, the percentage of Francophones has increased slightly, from 19.4% to 20.6%.

The official languages program is not sufficiently integrated with the daily management of the Department. In this context, the Official Languages Division plays a leading role in policy development, evaluation, control, auditing and complaints. The Division now has 13 employees, two more than last year. However, given that the responsibility for program administration lies primarily with three employees, linguistic reform cannot proceed as it should in a department of this importance.

In 1989 the Department of External Affairs was the subject of 34 complaints compared to 26 the previous year. Of these, the majority had to do with language of service and eight with language of work. Telephone reception in the offices of the Department, both in Canada and abroad, continues to be the main cause of

complaints lodged by the public. In the workplace, most complaints by employees centred on unilingual memoranda. but other incidents, such as pre-retirement sessions available almost exclusively in English only, were also brought to our attention.

Federal Business Development Bank

Certain problems concerning service to the public have persisted at the Federal Business Development Bank since our last evaluation, in 1988, particularly with regard to the identification of branches with a significant demand and the capacity to offer bilingual services. French still does not occupy its rightful place as a language of work within the organization, although efforts have been made to improve the situation. Finally, problems with respect to equitable participation that existed in 1988 are still present, although here again corrective measures have been taken. In short, the 1988 Official Languages Act has had limited impact on the implementation of the official languages program in this Crown corporation.

As far as service to the public is concerned, the weaknesses in bilingual capacity noted in some offices last year remain. Problems arise in part because the Bank does not recognize the existence of a significant demand in some of its branches. It relies more on the concept of bilingual regions than on the identification of offices where demand is sufficient to require bilingual services. Thus, the Bank has not designated any bilingual positions in Halifax, Charlottetown, Quebec City or Rouyn-Noranda. Even in six of the 24 branches in which the Bank recognizes a significant demand (Fredericton and St. John; Mississauga, Scarborough, Toronto-North and Sault Ste. Marie) there are as yet no bilingual employees. The result is that, in many cases, services are not actively offered, and the promotion of programs within several minority language communities leaves something to be desired. After a number of complaints about the failure to use the minority language media, the Bank undertook a study of the concept of branches with significant demand. We are awaiting the results.

For employees at the Bank's headquarters, the possibility of working in the official language of their choice is only partly realized, since only 41 of the 71 supervisors (57.7%) meet the language requirement of their positions. Moreover, in nine offices and branches, 60% or less of the supervisors meet the requirements of bilingual supervisory positions. These figures represent a deterioration in this area since 1988.

Aware of its problems with bilingual capacity, the Bank decentralized its language training program to the regions. At the same time, it continued identifying what it calls its bilingual "back-ups" — that is, bilingual employees and supervisors currently occupying unilingual positions.

The Bank has 1,248 employees. Forty per cent of its personnel (499 employees) are located in Quebec. Within this group, 68.9% (344 employees) are Francophones. There is an imbalance at headquarters in Montreal, where Francophone participation in the Administrative Support category is only 40.3% (31 employees out of 77). In an attempt to satisfy the requirements of the Act with respect to equitable participation, the Bank has taken measures to advertise its positions more energetically in both languages and thus ensure a more balanced participation of members of the minority language groups throughout the country.
During 1989 we received 21 complaints about the Bank, compared to 26 the year before. Eighteen concerned the use of the minority language media.

Finance

The Department of Finance meets its obligations with respect to service to the public in a generally competent manner. For many years, however, there have been major weaknesses in the areas of language of work and participation of the two official language groups in certain employment categories, particularly that of Management. In short, the 1988 Official Languages Act has had little impact on the implementation of the official languages program in this organization.

As in the past, the Department continued to provide service to the public in both official languages and the overall quality of service has been good. Nonetheless, it should be noted that the Department has limited contact with the general public, and its clientele is mainly composed of the media, provincial and foreign governments and large financial institutions. Telephone reception, with a few exceptions, is provided in both languages and correspondence and publications are sent to clients in the official language of their choice. We would also like to point out the Department's excellent work in producing government budget documents in both official languages.
With respect to language of work, the Department is facing several problems. Many managers are unaware of their responsibilities in this area, a high proportion of internal meetings are held in English only, a high proportion of computer-related work instruments are available in English only and the predominance of English as the language of communication in financial circles leads Francophone employees to use English as their language of work. Moreover, the high number of either-or positions (positions which may have unilingual incumbents belonging to either language group) seems quite unrealistic given the limited role of French as a language of work. In our opinion, the Department must, as soon as possible, implement the necessary measures to give French its rightful place in the work environment.

In 1989, 140 of the Department's 569 employees (24.6%) are Francophone. Although the overall Francophone participation rate seems acceptable, it is much too low in the Management category (5 of 75 employees, or 6.7%). However, in the Administrative Support category, Anglophones account for only 46.6% of

the group (55 of 118). The Department will have to take appropriate measures to implement the provisions of the Act pertaining to equitable participation of the two language groups.

We received two complaints against the Department this year. One dealt with telephone reception and the other with the language requirements of a position open for competition. Both complaints were resolved satisfactorily.

Fisheries and Oceans

The Department continued to make headway in 1989 in the areas of service to the public and language of work, as it had done in the previous year. Moreover, given the Department's mandate, public and the location of its offices, its work force appropriately reflects the two official language communities. To summarize, 1988 Official Languages Act has had a tangible impact on the implementation of the official languages program in this organization.

The Department effectively meets its obligation to publish general information documents in both official languages. With respect to scientific popularizations, lengthy publications and specialized reports, it publishes separate versions, which are available on request. We were pleased to see that *Pacific Fishes of Canada* is now available in both official languages.

With respect to other aspects of service to the public, we observed a number of shortcomings concerning signage and the use of minority language press. However, the Department promptly corrected the situation.

In the National Capital Region, many of the Department's employees can work in the official language of their choice. With the exception of certain work documents, which are not always available simultaneously in both official languages, and of a number of printers, which should be replaced very shortly, the work instruments are bilingual. In terms of language of supervision, there was a 33% increase in the bilingual capacity of supervisors. However, the Department should accelerate the process of raising the language requirements of its Management category.

With respect to equitable participation of the two official language groups, the Department is doing well, given the geographic breakdown of its workforce, 80% of which is located in unilingual English-speaking regions. Francophone participation is 17.1% of the total, an increase over 1988. Through its efforts to attract a larger number of Francophones to the Scientific and Professional category, the Department has been able to do some catching up, with Francophone participation increasing from 10.7% to 11.9% in 1989. We noted an increase in Francophone participation in the Management category. It now stands at 20.3% (29 out of 143), up 1.2% from 1988.

We received 12 complaints in 1989, three less than in 1988. Most of them concerned language of service and were resolved quickly.

Indian Affairs and Northern Development*

This year, as the Department of Indian Affairs and Northern Development sought to adjust to the requirements of the 1988 Official Languages Act, it devoted considerable effort to the planning of its official languages program. It developed an action plan incorporating the recommendations made in our language audit and integrated the plan into the letter of understanding that it signed with Treasury Board. At the same time, however, its bilingual capacity has weakened in at least two regions and there are still too few sufficiently bilingual supervisors. Imbalances in the participation of the two official language groups still exist in Ontario and in the Atlantic Region. Nevertheless, the 1988 Act has had a tangible impact on the implementation of the official languages program in this organization.

The Department followed up on our recommendation to update the survey of the language profile of its clientele conducted a few years ago. Data from the 1986 census — besides confirming the existence in Quebec of many Indian bands with a large number of members from the two official language groups — allowed the Department to identify two bands in Ontario and two in New Brunswick in which a significant percentage of the members speak French in the home. A survey started in 1989 of all telephone calls received in French at its offices in Amherst, Sudbury and Winnipeg — and on its toll-free line — will allow the Department to complete its evaluation of the demand for French-language services. However, this evaluation cannot be carried out properly unless the Department's services are actively offered in both official languages. The Department has identified measures that must be taken in this regard, such as the training sessions in greeting the public on the telephone and in person that it gave its support staff during the year.

The closing of the Fredericton office and the departure of a bilingual employee from the Amherst office have seriously compromised the Department's already very weak bilingual capacity in the Atlantic Region. As well, the incumbents of the only two (out of 417) positions designated bilingual in Manitoba no longer meet the requirements of those positions. Once again we urge the Department's senior management to take all necessary steps to ensure that, once and for all, the Amherst and Winnipeg offices have an adequate bilingual capacity.

Seventeen per cent of supervisors (3% less than in 1988) do not meet the language requirements of their positions, which, for the most part, call for only an intermediate knowledge of the official languages. This does little to facilitate the use of French as a language of work by the 400 employees (34.5%) at headquarters who are Francophones. However, 11 information sessions were given to managers at headquarters to make them more sensitive to their employees'

language rights. As for the language of communication between headquarters and Quebec, the monitoring system set up last year appears to be effective; only one complaint was reported in 1989.

With regard to equitable participation, the Department gives priority to hiring Native people regardless of their first official language. In this context, and given that 48% of its employees work west of Ontario and the vast majority of its clients are Anglophones, the Department's objective to maintain the Francophone participation rate at approximately 17% appears reasonable. This is also the proportion that the Department seeks to attain in the Management category, where the number of Francophones rose from 14 of 133 (10.5%) in 1988 to 18 of 120 (15%) in 1989. In the Scientific and Professional category at headquarters only 10.5% of the staff are Francophone. Its annual participation in the meeting of the Association canadienne-française pour l'avancement des sciences may help the Department to correct this imbalance.

In the National Capital Region, 34.5% of employees are Francophones, a 3.5% increase from 1987 and an adequate percentage given the Department's mandate and clientele. This increase counterbalances the drop in Francophone participation in the Atlantic Region — from 4% in 1988 to 2.5% this year — and in Ontario, where it is now below 1%. The Department should also pay close attention to the decline in Anglophone participation in Quebec, which fell from 17.8% in 1988 to 11.3% this year. This is a result of the continuing transfer of the administration and teaching complement of federal schools from the Department to Indian bands.

As a result of the language audit report we submitted to the Department in December 1988, and the preparation of the letter of understanding signed between the Department and the Treasury Board in the fall, the official languages program regained the importance it had lost in recent years. We hope that this situation continues.

We received 12 complaints about the Department this year, three more than in 1988. Nine of the complaints concerned the language of work at headquarters and three concerned service to the public. Almost all of these complaints were settled before the end of 1989.

Industry, Science and Technology Canada

The recent regrouping of the Department of Regional Industrial Expansion and the Ministry of State for Science and Technology into one department, Industry, Science and Technology Canada, was not without consequence. The official languages program has lost much of its visibility since last year due to the withdrawal of language objectives from operational plans. Despite some positive elements, the same problems with respect to service to the public, language of work and equitable participation are still evident. In short, the 1988 Official

Languages Act has had little impact on the implementation of the official languages program in this institution.

The Department ensures that bilingual service is actively offered in nearly all provinces by telephone and in person. However, again in 1989 the reliability of this service occasionally fell short in the Western and Atlantic regions. The level of bilingualism on the part of personnel providing departmental services, either in person or through correspondence, is relatively good. However, as we suggested in our 1988 Report (see Regional Industrial Expansion), it would be helpful for ISTC's representatives to consult the official language minority associations. In our opinion, this would enable the Department to better understand the needs of the minorities and to take these needs into account in its regional development strategies, in compliance with the Act.

With respect to language of work, there is still a high level of bilingualism in the administrative and financial services, due to the relatively high number of bilingual positions and the degree of functional bilingualism on the part of incumbents. Manuals, management circulars and memoranda intended for a large distribution appear in both languages. Computers, however, are still a weak area. For example, two central files, for finance and human resources, are still in English only. As well, most of the software for the 1,800 microcomputers used throughout the Department is available only in English. While the Department has developed a good language policy concerning acquisition and development of computer equipment, it has not yet implemented the policy. Neither has there been any follow-up on its report on computers, which we mentioned in our last Annual Report. We noted, too, that several workshops prepared by the corporate development secretariat were presented in English only, rather than in both languages, thus reinforcing the position of English as the favoured language of work.

As for participation, 1,450 of 2,232 employees (65%) are Anglophone, and 782 (35%) are Francophone. Given the concentration of offices in Quebec and Ontario and the Department's mandate and clientele, Anglophone participation is nearly equitable. There are, however, a number of regional and sectorial imbalances. In Quebec only 17 of the 285 employees (6%) are Anglophone, and in New Brunswick, 17 of 36 employees (47.2%) are Anglophone, following the creation of the Atlantic Canada Opportunities Agency. At 53.8% Anglophones are underrepresented in the Administrative Support category.

During the year we received five complaints, compared to seven in 1988. Four of these complaints concerned telephone service and the use of the media. The Department co-operated in settling all complaints.

Justice

The Department of Justice continued its effective and energetic approach to official languages in 1989. It has improved its already solid bilingual capacity and is

well equipped to satisfy the language needs of its client departments and to provide a solid basis for the use of both languages in the work environment. There has not, however, been any significant progress in correcting certain imbalances in participation of the two language groups noted in previous years. In short, the 1988 Official Languages Act has had a tangible impact on the implementation of the Department of Justice's official languages program.

Although the Department has relatively little direct contact with the general public, it actively offers its services in both official languages. When a recent survey indicated that the Department had some difficulty providing consistently bilingual telephone reception in Western Canada, it initiated several measures, including a refresher course for receptionists and the introduction of monitoring mechanisms, to correct the situation.

As an institution primarily providing legal services to other federal institutions, the Department is required under the Act to respect the language preferences of the latter. In this regard, the ability of staff in its legal services units located in client departments to communicate in both English and French has once again increased; in 1989 only one such unit had a bilingual capacity of less than 30%, down from four last year. Furthermore, the number of bilingual legal adviser positions has risen from 175 in 1988 to 210 in 1989 and 86% of the incumbents of these positions meet the requirements.

We note once again that a strong bilingual capacity exists among supervisors in the Department, a situation which can only serve to foster a work environment conducive to the use of the two official languages. Close to 79% of the incumbents in 183 supervisory positions meet the intermediate to advanced language requirements. The findings of a departmental survey conducted in the summer of 1989 will provide a clearer picture on other aspects of language of work that influence the use of English and French in daily operations.

For several years now, the participation of Anglophones and Francophones in the Department has been stable at 65% and 35%. Given its mandate, location and public served, the Department should pursue recent initiatives to correct the low participation of Anglophones, particularly in the Administrative Support category, down to 57% from 59% last year, and the Administrative and Foreign Service category, up only slightly from 56% in 1988 to 59%. In Quebec Anglophone participation has dropped to 5% from last year's 7%. A good balance has been achieved in both the Management category and in the Scientific and Professional category (comprised, for the most part, of the Department's lawyers), with Anglophones occupying 72% of the positions and Francophones 28%.

We received five complaints against the Department in 1989 compared to three in 1988. Two dealt with unilingual telephone reception at the Montreal Regional Office, one concerned a failure to advertise in a minority newspaper and is still

under review by our Office, and one focused on a departmental publication not available in French. The fifth complaint concerned a unilingual English packing slip for a departmental publication; the investigation of this complaint led the Department of Supply and Services to revise a portion of the manual used by its contract-negotiating officers. The Department of Justice co-operated well in the investigation of these complaints.

Labour

The Department of Labour provides services in both languages in most of its bilingual offices. In unilingual offices measures have been taken to refer the public to offices where services in both languages can be obtained. In the area of language of work, while some progress has been made since 1988, additional efforts are required relative to the bilingual capacity of supervisors and information on the status of work instruments is required. Furthermore, participation statistics indicate that imbalances still exist in a number of areas. In short, the 1988 Official Languages Act has had limited impact on the implementation of the official languages program at Labour Canada.

The Department's bilingual capacity helps to ensure that the institution provides its services in both languages in significant demand regions. However, in Toronto and Winnipeg bilingual capacity should be augmented to ensure adequate bilingual services. In unilingual offices telephone numbers are indicated for service in French and receptionists, using a telephone protocol, give bilingual information on the phone. As a rule, listings in the government pages of regional telephone directories tell the public where service in French may be obtained. However, the requirements of the Act stipulating in Section 26 that the public can communicate with and obtain services dealing with health and safety in both languages from federal institutions mean that Labour Canada may have to reconsider the level of bilingual service it provides in its non-bilingual offices, especially in the West and in Atlantic Canada excluding New Brunswick.

While much of the infrastructure for a reasonable language of work regime is in place, French still does not enjoy the status it should due to two persistent shortcomings: the situation with respect to work instruments requires clarification and a limited bilingual capacity at the supervisory level. As in 1988, only 109 of 137 (79.6%) incumbents of occupied bilingual supervisory positions meet the language requirements of their positions and only 20% of these positions require the superior level of proficiency.

Participation rates have not changed in the past few years and the same imbalances persist. Globally, Anglophone participation is still low (65%), particularly in the Administrative Support category (55%) and most notably in the National Capital Region, where it remains at 46%. Anglophone participation is also low in Quebec (4%) and in New Brunswick (41%). On the other hand, in some regions

Francophone participation is minimal; there are three Francophone employees in the four Western provinces and none in the Atlantic region outside New Brunswick. While the Department monitors the situation, it has not been successful in improving the situation in the last three years. In light of the 1988 Act, which requires that equitable participation be linked to mandate, location and public served, a judicious action plan should be implemented to improve the situation.

As in 1988, two complaints were lodged against Labour Canada in 1989. One concerned the language profile of a position and the second dealt with the absence of service in French at a Vancouver office. Both were resolved by year's end with the Department's co-operation.

Marine Atlantic*

In 1989 Marine Atlantic acquired the essential tools to enable it to provide better bilingual services to its clientele and to bring itself gradually more in line with the provisions of the Official Languages Act concerning the use of English and French at work. The participation of the two official language groups still shows significant disparities but the continuing increase in the percentage of Francophone employees testifies to the Corporation's efforts to overcome these imbalances. In short, the 1988 Official Language Act has had a tangible impact on the implementation of the official languages program in this organization.

The adoption of a new policy based on the Act marks a turning point in language reform at Marine Atlantic. For the first time in its history the Corporation recognizes the right of the public to be regularly served in the official language of its choice at all times in ferry terminals and on board its vessels. Crossings to Newfoundland are an exception to this policy, since the Corporation believes that the demand for service in French on them is insufficient in the off-season. It intends, however, to assign the necessary bilingual personnel to ensure the safety of the public in both official languages on board all its vessels all year round.

Marine Atlantic has given itself three years to meet its language objectives. The action plans it has developed provide, among other things, for the designation of additional bilingual positions (this was already done last fall for service in the Prince Edward Island and Fundy regions) and for language training. Notices announcing the availability of bilingual service are in place. However, we regret to say that the wearing of badges identifying bilingual personnel did not meet with the success anticipated this year. Moreover, the active offer of services in both official languages is still too often a concept which is poorly understood by employees, a situation the Corporation will have to resolve. On a more positive note, Marine Atlantic took the action required to rectify persistent problems with regard to the use of the press of both official languages. Advertising and announcements are now directed more regularly to both the English- and French-speaking public, a fact which is reflected in the few complaints we received on this in 1989.

Under its new policy Marine Atlantic is committed to fostering a work environment conducive to the use of both official languages in its facilities in New Brunswick. Considering the low Francophone participation in the organization, this is clearly a sizeable challenge. Nevertheless, the necessary support measures can be put in place without delay; hence the Corporation's decision to compile and have translated those work instruments that exist only in English, such as forms, directives and manuals for internal use. The bilingual capacity of managerial and supervisory positions, as well as personnel services, will also be increased. Second-language courses are given at its headquarters to this end and it is possible for employees who so wish to obtain assistance in enrolling in language training outside work hours.

There are 126 Francophone employees in the organization, or 4.1% of the total staff of 3,091. This represents an increase compared to 1988, but this trend will have to continue if a better balance between the two language groups in the Corporation is to be achieved, in keeping with its mandate, the location of its offices and the clientele served. Special attention should be paid to senior management, which still has only one Francophone member. In its facilities in New Brunswick the rate of Francophone participation is 15.6%. Although it is insufficient, this proportion represents an encouraging increase of 3% since 1988.

The hiring of a full-time official languages director late in 1988 clearly helped Marine Atlantic to make a firm commitment to language reform. While the implementation of the official languages policy and action plans is the responsibility of managers, the participation of the official languages director in the Corporation's management committee is likely to have an impact on its decisions. We hope that this will indeed be the case until the official languages program is well entrenched and becomes part of the Corporation's routine operations.

We received 11 complaints against Marine Atlantic in 1989, 26 less than in 1988. Six complaints concerned the lack of service in French at terminals and three were about service on board ferries. The other two dealt with announcements that the Corporation had neglected to publish in the French-language press. Compared to the nine complaints of this kind that we received last year, these figures show the progress that has been made in using the press of both official languages.

Medical Research Council*

The situation has been improving at the Medical Research Council since it was mentioned in our 1987 Annual Report. Advances have been noted in service to the public, language of work and program administration. However, further action is required to increase the number of bilingual supervisors and redress participation imbalances. In short, the 1988 Official Languages Act has had a tangible impact on the implementation of the official languages program in this organization.

The Council's 58-member secretariat in Ottawa is in a position to furnish its services to the Council and its many committees and Canadian researchers in both official languages. Forty-four of its 58 occupied positions (75.9%) are bilingual, most requiring the intermediate level of skill in the second official language and 40 incumbents (90.9%) meet or exceed the requirements. This is a considerable improvement since 1987, when only 28 employees were bilingual.

Progress has also been made in identifying the bilingual capacity of scientists who serve on the Council's peer review committees and assess researchers' applications for grants and awards. The Council now makes sure that some members of each committee are able to provide bilingual expertise. Another 11,000 scientists (5,000 in Canada and 6,000 from other countries) who serve as external referees in the review process have also been surveyed and the Council is now able to call on those who can work in either English or French in the appropriate health sciences discipline. Since fluency in the second official language is at present a matter of self-assessment, the Council should find ways to confirm these skills. It should also inform its Francophone scientific research clientele of the measures taken to remove language constraints previously identified or perceived in the review process, so that researchers can, with confidence, submit their applications for grants or awards in French. Steps have also been taken to correct previous shortcomings in telephone reception and correspondence.

The status of French in the workplace has improved in several respects. Central services are available in both languages. The language preference of all employees is known and recorded. Performance appraisals are provided in the preferred language for all employees, both languages are used at meetings and most work instruments are in both official languages. However, only 10 of 17 supervisors are bilingual and improvement of this situation should have top priority. Language training plans are in place for those not yet fully qualified. As well, only about half the software for the in-house computer system is in both languages but work to complete its translation is on schedule.

Participation is not balanced since Anglophones on the secretariat's staff number 32 of 58 employees (55.2%), with a particularly low percentage in the Administrative Support category (48%). In light of its mandate, the public served and its location, the Council should make efforts to achieve a reasonable balance of Anglophones and Francophones on the secretariat's staff.

We received no complaints against the Council in 1989.

National Archives

National Archives earned high marks for language of service once again in 1989. However, the organization's most serious problems — language of work and

equitable participation of the two language groups — persist, owing to its slowness in finding permanent solutions. In short, the 1988 Official Languages Act has had little impact on the implementation of the official languages program in this organization.

Aside from two minor incidents this year, the National Archives continued to provide its services, whether reception (over the telephone and in person), publications or correspondence, in both official languages.

In terms of language of work the situation is less encouraging and has improved very little since 1988. French still does not occupy its rightful place, despite the fact that central services and work instruments are available in both official languages. We note that only eight of the 202 incumbents of bilingual supervisory positions (4%) have superior second-language skills. In 1989 there was a drop in the number of supervisors meeting the language requirements of their positions. In the context of the recent letter of understanding, managers have promised to take definite action to bring about improvements in this area.

Overall Anglophone participation declined somewhat this year and is still too low, given the organization's mandate, location and clientele. The Anglophone participation rate was 61.4% (478 of 779 employees), compared with 61.8% last year. Anglophone participation is also low in the Administrative Support and Operational categories (51.8% and 51.9% respectively). Francophones, for their part, represent only 18.8% of the Management category. The organization must address these problems and make the necessary adjustments.

We received three complaints about the National Archives in 1989 compared to none last year. All concerned service to the public.

National Capital Commission

The National Capital Commission continued to offer its own services in a thoroughly bilingual manner in 1989. It failed, however, to make much progress, and even suffered setbacks, in several other areas. It has not been systematically monitoring the services provided to the public by its concessionaires, nor has it yet implemented an action plan approved in 1988 by the Senior Management Committee with a view to promoting the use of both official languages in the workplace. Furthermore, problems with respect to equitable participation persist. In short, the 1988 Official Languages Act has had no real impact on the implementation of the official languages program in this organization.

Over the years the NCC has maintained numerous and varied contacts with the general public, with the exchanges often taking place through concessionaires or lessees. Some of the complaints received have indicated that these parties do not always adhere to the language clauses contained in their contracts. Moreover, no

further efforts have been made since last year to monitor their performance more systematically. At present, managers are responsible for ensuring that parties under contract adhere to the terms and conditions of the Official Languages Act.

Despite the large number of Francophone employees, the use of French as a language of work has increased very little since 1988. The fact that only 66% of the Commission's supervisors are bilingual, compared to 75% in 1988, even indicates a setback in this area. A delay of over a year in implementing the language of work plan represents another significant failure. This plan calls for the identification of units where French could be used more extensively, a language of work survey, and translation of the remaining unilingual work instruments. We hope that the NCC will make a greater effort to implement its action plan during the coming year, in order to ensure equality of status of French as a language of work.

The Commission has also had problems with respect to equitable participation of the two language groups in all employment categories. Anglophones account for 50.3% (422 of 839) of all employees; this represents a decrease of 4% since 1988. Given the NCC's mandate and location and the clientele served by the organization, this imbalance appears unacceptable.

Fifteen substantiated complaints were lodged against the NCC in 1989, compared to five in 1988 and 10 in 1987. Three of this year's complaints concerned road signs and are still under investigation. Most of the others dealt with services provided by concessionaires.

National Defence*

The Department of National Defence is still experiencing serious difficulty in achieving its official languages objectives. Some progress has been made with regard to service to the public and the equitable participation of the two official language groups but major systemic problems persist. As a language of work French still does not enjoy its rightful place in the Department. In terms of administration of the program, the Department, by integrating official languages into its regular operations, will no doubt improve the planning and management of its program. In short, the 1988 Official Languages Act has had a limited impact on implementation of the official languages program in this organization.

With regard to language of service the Canadian Forces seem ill-equipped, from a linguistic perspective, to fulfil its responsibilities in this area. There are only 537 military bilingual positions in the Canadian Forces to provide service to the public, of a total of 16,987 bilingual positions in the Forces. Of the 537 bilingual positions, 491 are filled and only 147 (29.9%) of the incumbents meet the language requirements. It seems clear to us that the Canadian Forces underestimates the number of bilingual positions it requires to serve its public. On the other hand, 2,022 (76.9%) of the 2,631 bilingual civilian positions in the Department are occupied by persons who meet the language requirements.

A few achievements deserve mention this year. Among them are the development of a training course on active offer of service in both official languages and the implementation of measures to monitor bilingual telephone reception. These measures helped to increase the rate of active offer from 20% at the start of the year to 88% in the fall.

The problem of language of work continues to be the main weakness of both the Department and the Canadian Forces. Since the submission of our report on language of work at National Defence Headquarters to the Governor in Council in January 1987, the Department and the Forces have continued to experience difficulty in areas identified as constituting systemic obstacles to the use of French at work: unilingual English technical documents, unilingual English military training courses and the appointment of unilingual personnel to bilingual positions.

With regard to unilingual technical documents, the Department has still not succeeded in catching up with the backlog of technical documentation to be translated. It is behind the schedule it set for itself, but it did produce three times as many documents in 1989 as had been translated in the four previous years (30,000 pages compared to 10,000). However, judging by the objectives it has set for itself, there are still some 300,000 pages to translate from now until 1994.

We stated in 1988 that the training program for Francophone military members (then known as the "Francotrain" program) had proved to be a failure and served instead to help Francophones succeed in their military training in English. The Canadian Forces made some efforts this year to rectify the problems that we cited. For example, it renamed the program "Instruction in the Language of Choice" and offered a greater selection of courses in French. There is still much to be done, however, for in 1988-89 only 136 of the 1,473 courses were offered in French.

With regard to the appointment of unilingual military personnel to bilingual positions, although there was progress in this area in 1989, more than 72% of the Department's bilingual military positions are not filled by incumbents who meet the position requirements.

We noted some progress in the area of language of work. The Department developed a language training program directly related to the terminology used at work. Thus, in the area of health, employees of the National Defence Medical Centre would have access to language training based on the specialized terminology they use.

As for overall participation, considering its mandate, the location of its offices and its clientele, the distribution of Anglophones and Francophones is equitable among military personnel (72.8% Anglophones and 27.2% Francophones), but

less so among civilian employees (79.2% Anglophones and 20.1% Francophones). We noted major deficiencies with regard to the participation of Francophone civilians in the Management (13.4%) and Operational (17.1%) categories. Among Forces members, Francophones have attained the threshold of 25% participation rate for the rank of general. However, their low participation at the ranks of lieutenant-colonel (13.8%) and colonel (13.9%) leads us to predict that there will be insufficient numbers of Francophones in the future to fill positions at the rank of general. This situation, in addition to the low participation of Francophones in the Management category in the Department, leads us to wonder whether Francophones have equal opportunity for advancement in the Department and the Canadian Forces.

In order to ensure the renewal of its official languages program, National Defence developed a new official languages plan this year. The plan is designed to rationalize the implementation of the official languages program throughout all the operations of the Department and the Canadian Forces and sets out more clearly the principle of accountability of managers and commanding officers. A plan remains an intention so long as it has not been given tangible expression. For this reason we urge departmental officials to ensure that it be rigorously implemented.

During his appearance before the Standing Joint Parliamentary Committee on Official Languages, the Minister of National Defence highlighted the obstacles and challenges which the Department and Canadian Forces must face, most notably the constant mobility of Forces members. Senators and Members of Parliament on the Committee took that opportunity to tell the minister of their growing concerns about the application of the official languages program. A firm commitment was obtained from the minister to continue the pursuit of equality of status of both official languages within the Canadian Armed Forces and the Department.

We received 100 complaints against the Department in 1989 compared with 74 last year. Of these, 49 concerned various aspects of language of work, including the linguistic designation of civilian positions (16) and the absence of training courses in French (11). With reference to the issue of language of service, we received 50 complaints of which 17 concerned the absence of announcements in the minority press and nine referred to telephone reception. Finally, one complaint concerned equitable participation.

National Health and Welfare*

In general the Department of Health and Welfare has sufficient bilingual capacity to provide satisfactory bilingual service in most of its Client Service Centres. Some problems exist, however, in certain branches at headquarters and in the regions. With respect to language of work, more progress is needed in terms of

the bilingual capacity of supervisors. The participation of Francophones is low in a number of professional categories and regions, whereas in Quebec, Anglophones are under-represented. The Fitness and Amateur Sport Branch definitely deserves congratulations on the 1989 Canada Games. In short, the 1988 Official Languages Act has had a limited impact on the implementation of the official languages program in the Department of National Health and Welfare.

The Department is able to provide appropriate bilingual service, especially in the National Capital Region. However, some branches (Health Services and Promotion, Medical Services and Health Protection) have a high proportion of incumbents of bilingual positions who do not meet the established language requirements. The percentage of linguistically qualified incumbents varies from 27.3% to 74%, depending on the branch and the region. This is inadequate to satisfactorily meet the demand for service in the minority language. For its part, Quebec, with 365 bilingual positions, and 84.5% of the incumbents meeting the language requirements of their positions, can provide good service in both official languages.

The Fitness and Amateur Sport Branch deserves to be congratulated on its support to the organization of services in French at the 1989 Canada Summer Games, in Saskatoon. In 1989, a record number of 77 of some 100 national sports and physical fitness organizations submitted official languages plans and justified the grants awarded for the translation of documents, language training and simultaneous interpretation at conferences and annual meetings. Six complaints involving this Branch were received in 1989.

With regard to language of work, the employees of Health and Welfare receive central and personnel services in their own language, program manuals and management circulars are bilingual and most users of automated systems can choose to use either official language. However, 20.7% of the incumbents of bilingual supervisory positions do not meet the established language requirements (181 out of 873), and only 26.8% of these positions (234 out of 873) require the superior level of bilingualism. As a result, with the exception of Quebec and a few units at headquarters, French does not enjoy its proper place as a language of work in the scientific and technical sectors.

The equitable participation of the two language groups remains, on the whole, acceptable, (76.5% Anglophones, 23.5% Francophones), but there are significant sectoral discrepancies. In particular, Francophones account for only 17.9% of Management personnel (28 of 156) and their participation is insufficient in the Scientific and Professional category where they constitute only 15.4% of staff (304 out of 1,977). The percentage of Anglophones in Quebec is unacceptable: they account for only 4.6% of staff (35 out of 763). In view of its mandate, its clientele and the location of its offices, the Department should take measures to make the participation of the two language groups more equitable.

In 1989 there were 53 complaints, compared with 48 in 1988. Most of the complaints were concerned with correspondence, forms and telephone service. In general, we had good co-operation in settling these complaints. Moreover, the Department signed a letter of understanding with the Treasury Board on official languages in 1989.

National Library

On the whole the National Library provided good service to the public in both official languages, as it did in 1988. However, in terms of language of work, French still does not occupy its rightful position and imbalances in the area of equitable participation which were pointed out last year persisted in 1989. On the other hand, the letter of understanding which was signed recently demonstrates management's commitment to correct the problems noted in these two areas. In short, the 1988 Official Languages Act has had little impact on the implementation of the official languages program in this organization.

Despite supervisors' awareness of their obligations in terms of language of work, French does not have its rightful place in the organization. This problem is undoubtedly aggravated by the fact that 21.8% of the 124 supervisors do not yet meet the language requirements of their positions. It should also be noted that not all work instruments are available in both official languages and that many Francophone employees are not familiar with French technical terms. We must also point out the lack of progress since 1988 with respect to the use of French in management meetings.

The imbalance in overall participation noted in 1988 remains basically unchanged; Anglophones are still under-represented (62.8%). This is particularly the case in the Administrative Support category, where Anglophones represent only 50% of staff.

Three complaints, all regarding language of service, were lodged against the National Library in 1989 compared to only one in 1988. All were expeditiously and satisfactorily resolved.

National Museums

All four Museums did well again in 1989 in terms of services rendered to the public in both official languages. Most employees are able to work in the official language of their choice, except in a few scientific and technical sections where working in French is difficult. In all four museums, however, imbalances still remain in terms of equitable participation. In short, the 1988 Official Languages Act has had limited impact on the implementation of the official languages program in this organization.

The **Canadian Museum of Civilization** opened its spectacular new building in Hull, Quebec, in the summer of 1989. By December 31 it had welcomed 735,364 visitors.

Service is actively offered in the two official languages, both visually and verbally and, since this museum is in Quebec, staff are careful to put French first on signs and notices, in public address announcements, in telephone reception and in general greetings to visitors. In the other three Ontario-based museums the reverse applies and English is presented first.

Of 408 occupied positions, 296 (72.5%) are designated bilingual, all at least at the intermediate level. Every position that serves the public requires proficiency in reading and speaking at the highest level.

Managers and employees are kept aware of their responsibilities and of their rights in the area of language of work. In 1989 the official languages policy was distributed to all staff. Staffing of supervisory positions is carefully monitored to ensure that the highest standards of bilingualism are maintained and consequently employees are able to draft written work and to obtain their performance appraisals in their preferred language. Although a few Francophones still prefer to work in English and there are problems in finding French-language personnel in the scientific and technical fields, the museum's efforts in 1989 to create a work environment where either language may be used freely have been largely successful.

Of the Museum's 408 employees 163 (40%) are Francophones. Given its location in the National Capital Region, Anglophone participation is particularly low in the Administrative Support and Operational categories (39% and 46% respectively).

The museum was the subject of two founded complaints. Both involved aspects of service to the public and corrective action was quickly taken.

In 1989 the **National Gallery of Canada** welcomed 554,859 visitors, answering questions, directing the public to the various displays and selling large quantities of books and posters, all in both official languages. Nearly three-quarters of the gallery's staff of 215 is bilingual, over 40 at the most advanced level. However, much of the gallery's direct service to the public is provided either by volunteers or by employees under contract to private security and food service companies. Again in 1989 some problems were experienced in ensuring service in both official languages from these two groups. As a result, the language requirements in the security contracts are currently under review and fairly intensive monitoring has kept these problems to a minimum.

Generally, employees may work in English or French although in this regard the technical services sector still could be improved. Of 42 managers who supervise

employees in bilingual positions at the National Gallery 35 have attained or exceed the intermediate level of bilingualism. This represents an increase of 8% over last year. Employees at the gallery were reminded of their right to supervision and performance appraisal in their language of choice and their exercise of that right is monitored by the personnel division. Typically, meetings are bilingual and work instruments, including computer software and manuals, are in both languages. The gallery has had difficulty finding training courses in French in the technical and museology fields and only one in six employees takes professional development courses and training in French although 37% of all employees have identified themselves as Francophones.

Given the gallery's location, mandate and clientele served, Anglophone participation (136 of 215, or 63.3%) is low.

Complaints against the National Gallery fell from 18 in 1988 to eight in 1989. Seven concerned aspects of service to the public. The remaining one concerned language aspects of staffing.

The **National Museum of Natural Sciences** underwent a considerable reorganization in 1989. It now occupies the whole of the Victoria Memorial Building, the other half having been vacated by the Canadian Museum of Civilization. In 1989 the Museum welcomed 269,218 visitors without a single official languages complaint.

At all points of public contact service in English or French is actively offered. Treasury Board symbols and lapel pins for this purpose are widely in use and all museum publications currently available to the public are in bilingual format. Of 229 positions 141 (61.6%) are bilingual and 118 (83.7%) incumbents meet the requirements. Language training courses in English and French were provided to the museum's corps of volunteers and bilingual service, at least at the intermediate level, is available in every section at all times. The number of positions requiring the highest level of second- language proficiency rose from 21 to 28 in 1989 while those requiring the lowest level stayed at 25. No managers now fall into this category, a definite improvement over 1988.

Employees are encouraged to work in their preferred official language and many do so. In sections where there are many scientific personnel, however, the low number of Francophone scientists makes working in French difficult. Although professional training opportunities are offered in English and French most museum employees choose to take courses in English.

Of 229 employees, 161 (70.3%) are Anglophones and 68 (29.7%) are Francophones. These figures are reasonable given the museum's mandate and its location in the National Capital Region. However, the long-standing shortage of Francophones in the Scientific and Professional category continues; only five of

42 (11.9%) positions in this category are filled by Francophones. Conversely, the Administrative Support and Operational categories both show unacceptably low Anglophone participation (54% and 56%).

The museum is currently engaged in hiring a full-time official languages officer, a move that will no doubt contribute to continued good linguistic performance.

The **National Museum of Science and Technology** serves the public directly through signs and explanations on exhibits, through guided tours and demonstrations of experiments and through its publications. In each case, bilingual service is actively offered and provided. Of its total of 190 staff, 125 (65.8%) are bilingual.

All managers and supervisors are required to have a high level of second-language ability and all bilingual staff positions now require at least intermediate proficiency. Many visitors have little or no contact with museum employees, meeting mainly with guards employed by a private security service. There is a language clause in the contract with this service and its terms appear to be closely observed.
Museum visitors are invited to comment on their satisfaction with service provided. This includes a specific question on official language service and negative comments have been rare.

Employees can work in either official language virtually everywhere. Performance appraisal forms offer employees their choice of official language and the personnel office does spot checks to ensure these choices are respected. At meetings at all levels both languages are used frequently.

Overall, Anglophone participation is low at 111 of 190 (58.4%). Hierarchical imbalances need attention; all five members of the Scientific and Professional category and 47 of 56 (83.9%) Technical category members are Anglophones. On the other hand, only 12 of 33 in Administrative Support and 18 of 39 in the Operational category are Anglophones.

In a year when the Museum served over 665,000 visitors, no complaints were received.

National Research Council

Since our evaluation in 1982 the National Research Council has maintained an acceptable level of service to the public. Nonetheless, weaknesses persist in the areas of language of work and equitable participation of Francophones in Quebec. Despite difficulties created by a major reorganization in 1989 the Council made an effort to further its official languages program. In short, the 1988 Official Languages Act has had limited impact on the implementation of the official languages program within the organization.

The NRC generally provides service in both official languages in bilingual regions and tries to do the same in unilingual regions where national laboratories are located. However, since there seems to be insufficient administrative control, we encourage the Council to regularly survey its clientele on the quality of French-language services offered by the Council.

In terms of language of work, French is far from having the status it deserves. Among supervisors, 31% do not meet the language requirements of their position. Of these positions, 84% call for only intermediate second-language skills and 3% require basic skills. This situation is not conducive to the use of both official languages in this scientific environment. Since an inventory or catalogue of available work instruments does not exist in French, we urge the NRC to identify work instruments of a scientific and technological nature, with a view to obtaining French versions or having them translated.

Given its mandate and clientele and the location of its offices, the Council has made progress in the area of equitable participation. The overall Francophone participation rate is 24%, a 5% increase over 1982. In the Scientific and Professional and Technical categories, Francophone participation rose more than 5%, to 15% and 22% respectively in 1989. Francophones are under-represented in Quebec; they account for only 71% of NRC employees there. In the Montreal area, Francophones make up only 58.5% of total staff.

We received six complaints against the National Research Council, three of which dealt with use of the minority language press. The Council co-operated fully in resolving these matters.

National Revenue (Customs and Excise)

National Revenue (Customs and Excise) continued to attach great importance to its language responsibilities in 1989 and to improve its services to the public in both official languages. Although French does not occupy its proper position as a language of work, the Department is taking steps to increase its use. Overall participation of the two language groups in the Department is well-balanced, though the sectoral weaknesses noted in 1988 persist. In short, the 1988 Official Languages Act has had a tangible impact on the implementation of the official languages program in this organization.

The Department is concerned with improving its service to the public and is working on implemention of its new bilingual booth system at border crossings on a permanent basis. This system was tested at two border crossings in Ontario in the summer of 1988. The Department was able to extend this service, advertised by signs, to four additional ports of entry during the peak summer period of 1989 by hiring bilingual students. It intends to test the system at other inspection stations next summer. The Department is to be congratulated for this excellent

initiative, particularly in view of the fact that it took place during a period of cutbacks. Customs and Excise, which will be responsible for managing the new Goods and Services Tax, will have to take the requirements of the Official Languages Act into consideration in setting up the GST administration.

In the area of language of work, a survey being conducted by Customs and Excise of headquarters employees reveals that inadequate second-language proficiency on the part of supervisors is a major factor contributing to the underutilization of French. The Department is aware of this weakness and has already taken measures to raise the language requirements of management positions. These measures are being extended to all supervisory positions in bilingual regions; currently, 81% of these positions require only intermediate second-language skills. Only 79% of supervisors in the National Capital Region meet the language requirements of their positions.

With respect to training, 146 of the 199 courses offered in the two official languages by the Customs College were given in English and 53 (26.6%) were given in French. This proportion, which is almost identical to the participation rate of the two language groups in the Department, is highly commendable.

Given its mandate, the location of its offices and its clientele, overall participation of the two language groups at Customs and Excise is well-balanced. Seventy-three per cent of employees are Anglophones and 27% are Francophones, almost the same as in 1988. However, Anglophones occupy only 7% of positions in Quebec and Francophone participation in the Management category remained unchanged at 21%.

We received 39 complaints against Customs and Excise in 1989 — 17 more than last year. Thirty-six concerned service to the public, including 21 complaints from the travelling public. Most of these complaints were quickly resolved by the Department.

National Revenue (Taxation)

National Revenue (Taxation) was very active in official languages in 1989. The Department took measures to increase its bilingual capacity in sectors such as audit and collection services, where it has traditionally been low. It also sought, through various means, to better meet its clients' linguistic expectations. The Department made progress in the areas of language of work and participation, but further efforts must be made to ensure greater use of French in most bilingual offices and to increase Anglophone participation in the Quebec Region. In short, the 1988 Official Languages Act has had a tangible impact on the implementation of the official languages program in this organization.

A number of measures to improve the quality of bilingual services to taxpayers were implemented this year. The Department amended the T1 Income Tax

Return Form, adding a box which will allow people signing the return to indicate their preferred official language for correspondence. The Department also followed up on last year's commitment and implemented a five-year language review of all printed matter addressed to the public. This measure is especially welcome in light of the fact that documents which have been the subject of complaints will be given priority. Employees responsible for serving the public attended training sessions on the active offer of bilingual services and several offices have been equipped with the new, fully bilingual Tax Information Phone Service system, making it possible to extend service hours and answer more common requests electronically.

The bilingual capacity of audit services increased again in 1989. There are now 11 bilingual auditors out of 654 in Toronto — one more than last year. Halifax now has four, while there is at least one bilingual auditor in almost every office west of Winnipeg. Although the proportion of positions requiring knowledge of both official languages remained at 21% in 1989, the proportion of incumbents meeting the language requirements of their positions increased significantly, from 90% in 1988 to 92.5% in 1989.

In terms of language of work, the Department's efforts proved particularly fruitful in the area of supervision. This year, 87.2% of incumbents of bilingual supervisory positions met the language requirements — an increase of more than 2% over 1988.

The Department's performance in the area of professional training was also good. Almost all of its courses were offered in both official languages. Some 26% of courses were given in French, while 24% of all employees enrolling in courses were Francophones.

Overall participation of the two language groups within the Department remains balanced, given the location of its offices, its mandate and the clientele it serves. Francophone employees make up 27.5% of the Departmental staff of 17,965. In 1989 the number of Francophones in the Scientific and Professional category has increased to 24.4%. However, Anglophone participation is low in the Administrative Support category (66.1%). At the regional level, Anglophone participation continues to be unacceptable in Quebec and Francophone participation in the West is at a level of only 1.2% of all employees.

In 1989, 63 complaints were lodged against the Department, compared to 36 last year. Fifty of the complaints concerned the language of service, specifically service in French and of these, 26 concerned written correspondence of all types; almost all of these were attributable to processing errors. The Department has handled these complaints expeditiously, co-operating fully with our investigators in finding solutions.

Petro-Canada

The language situation at Petro-Canada has changed very little since 1988 in terms of service to the public and language of work. There was some progress in the area of participation, but imbalances in Francophone participation persist in various sectors and regions. In short, the 1988 Official Languages Act has had little impact on the implementation of the official languages program in this organization.

In terms of service to the public Petro-Canada is still following the standards it has set, reserving bilingual signage for communities where the official language minority represents at least 10% of the population. Given the fact that only 19% of its outlets (652 of 3,430) have bilingual signage, the Corporation is certainly not projecting an image that reflects its status as a federal institution, particularly in Western Canada where only 9.8% outlets (125 of 1,275) have bilingual signage. We recommend that the Corporation conform to the requirements of Section 29 of the Official Languages Act concerning signage for federal institutions. Moreover, it is still difficult for us to determine the Corporation's bilingual capacity. According to its data, 17.4% of employees (1,264) are able to express themselves in French with little or no difficulty. These figures include employees in Quebec, whose level of competence in English, unfortunately, is not known.

Petro-Canada uses the minority language press and sponsors various educational, cultural, sports and recreational activities of high quality in both language communities. In general, promotional campaigns are carried out in both official languages. However, we received complaints with respect to unilingual French signage in Montreal during the "Tour de l'Île", the lack of French advertising in the Maritimes with respect to the extension of the "Right-Riders" program, and the absence of English-language advertising in a bilingual flyer. Other complaints resulted from the "Key-In Here!" campaign in the Atlantic Region. The Corporation should monitor compliance with the Act more strictly, particularly when services are provided by third parties.

In the area of language of work, as in the past, French continues to be little used as a language of work outside Quebec. However, most manuals are available in both official languages and courses are offered to Anglophone and Francophone employees. Directives and publications of general interest to all employees are bilingual, as are central and personal services in the main offices.

The overall percentage of Francophone employees of Petro-Canada was 12.6% (916 of 7,284 employees) — a very slight increase over 1988 (12.0% or 879 of 7,308). Francophone participation in middle management rose from 9.6% in 1988 (40 of 418) to 10.6% (45 of 425). An increase was also noted among professionals, where Francophones now account for 9.4% of employees (209 of 2,223), compared with 8.7% (174 of 2,004) in 1988. The Products Division has the

highest level of Francophone participation — 802 of 4,050 employees (19.8%). Francophones represent only 7% of employees (125 of 1,779) in Corporate Services. Most employees in the Resources Division are located in the Western provinces and Francophone representation is 1.3% (19 of 1,454 employees).

In order to improve this situation Petro-Canada has paid particular attention to recruitment of French-language university graduates. We encourage the Corporation to intensify its contacts with the Francophone scientific community so as to raise awareness of its research programs and personnel needs in the field of petroleum resources development. Much remains for Petro-Canada to accomplish at the regional level. Francophone participation is still slightly low in Ontario and Quebec and there are no Francophone employees in Saskatchewan, Manitoba or New Brunswick.

We received 24 complaints against the Corporation this year, the same number as last year. All dealt with service to the public. Eleven concerned visual communications and five concerned advertising. Four complaints dealt with communications over the telephone and in person, two with forms, one with correspondence and one regarded a publication.

Privy Council Office

Since our last evaluation which was in 1986, the Privy Council Office has maintained its good linguistic rating in terms of service to the public and language of work. However, there are still some deficiencies which, despite the Office's efforts, have not been corrected in the area of equitable participation. In short, the 1988 Official Languages Act has had a tangible impact on the implementation of the official languages program in this organization.

The Privy Council Office is able to provide its clientele, comprised mainly of senior officials, with services in both official languages, owing to the relatively high percentage of bilingual positions (83.4% of 355 positions) and the significant proportion (88.9%) of incumbents who meet the language requirements of these positions. The bilingual capability of the PCO's commissionaires has improved appreciably since 1986.

With respect to language of work, we have observed an increase since our last evaluation in the number of supervisors who meet the language requirements of their position (89.5% compared to 78.7% in 1986). Moreover, the employee performance appraisal form is being modified to allow employees to indicate their preferred official language. Finally, the Clerk of the Privy Council issues an annual reminder to his managers of their obligations with respect to official languages.

The overall participation rate of the two language groups has worsened since 1986 and special attention will be required to counter this trend. The percentage

of English-speaking employees has decreased from 54% in 1986 to 50.7% in 1989. Less than half the employees in the Administrative and Foreign Service (49.8%) and Administrative Support (44.4%) categories are Anglophone. The situation has improved in the Management category, where the percentage of Francophones has increased from 20% in 1986 to 28.3% in 1989. The PCO should step up its efforts in order to correct the imbalances that still exist.

One complaint was lodged against the Privy Council Office in 1989. The Office signed a letter of understanding on official languages with the Treasury Board in 1989.

Public Service Commission

As in 1988 the Public Service Commission is doing well in terms of service to the public and language of work, owing to its significant bilingual capability. However, the Commission must pursue efforts to correct its equitable participation problems. In short, the 1988 Official Languages Act has had a positive impact on the implementation of the official languages program in this organization.

The Public Service Commission's significant bilingual capability enables it to offer services in both official languages. It is reviewing its policy on the use of the minority language media to bring it in line with the 1988 Official Languages Act. However, complaints concerning this question are still under study.

The Commission has always recognized and promoted the equality of status of the two official languages and freedom in choosing language of work. Both official languages are generally used without difficulty in supervision, in performance appraisals, at meetings, in internal audits or in central services. However, in terms of the services provided by the PSC to other federal institutions under Section 37 of the Official Languages Act, the Commission will have to monitor closely the cancellation rate of French-language professional training courses.

Given its mandate, the location of its offices and its clientele, Anglophones do not occupy their rightful place at the Commission in terms of equitable participation, although the situation has improved slightly since 1988. Excluding employees of the Language Training Program, which has a high percentage of Francophones, Anglophone participation is only 43.9%, as in 1988. Once again, Anglophone participation is especially weak in the Administrative Support category (34.6%).

In 1989, 38 complaints were filed against the Commission, compared to 21 last year. Of these complaints 33 concerned language of service, including use of the minority press, communication by telephone or in person, correspondence and the quality of French in a competition notice. The other five complaints had to do with language of work, equitable participation and the staffing process. The

Commission is actively co-operating in resolving these complaints. In 1989 it signed a letter of understanding with Treasury Board on official languages.

Public Works

In 1989 the Department of Public Works increased its resources allocated to official languages and put a great deal of effort into adjusting its policies and practices to take into account specific requirements of the 1988 Official Languages Act. However, it has not yet resolved a number of persistent problems dealing with service to the public, language of work and equitable participation. In short, the 1988 Act seems to have had some impact on the implementation of the official languages program in this organization.

With respect to service to the public, the problem of plans and specifications related to calls for tender, which we thought had been resolved last year, has resurfaced. The Department has delayed implementation of measures which we described in last year's Report as flexible and generous. These measures would allow active provision of bilingual documentation with its calls for tender in all locations in Canada where advertising is likely to attract minority language bidders. At present this is done in the National Capital Region, in New Brunswick, in parts of Ontario and Quebec and in Winnipeg. In other areas bidders may request tender documents in either language in which case the competition deadlines are extended to permit translation.

The Department is now making greater use of the minority language press when placing notices of calls for tender and has developed a policy in this regard. Nevertheless, the 27 complaints we received in 1989 suggest that more attention is required in this area.

On the language of work front it cannot be said that the Department has met the obligation of providing employees working in so-called "bilingual regions" with adequate supervision in their preferred official language. Of the 816 supervisors in the Department who occupy bilingual positions, 22.1% are excluded from the requirement to become bilingual; the problem is particularly acute in the National Capital Region. This forces the Department to rely on inefficient administrative arrangements in an attempt to provide a measure of bilingual supervision. Central and personnel services are generally available in both official languages, although complaints have revealed problems in certain sectors.

At 70.9% the overall Anglophone participation rate has fallen from a level of 72.7% in 1988. Anglophone participation is low in the Administrative Support (68.9%) and Operational (62.1%) categories. In Quebec it has improved, from 1.5% last year to 3.3% in 1989, but is still far from equitable. Francophones now make up 23.3% of employees in the Management category, up from 21.1% in 1988. However, their numbers have decreased in the Scientific and Professional

category, from 18.3% in 1988 to 17.5% this year. The Department should continue its efforts to rectify these imbalances.

Complaints increased from 29 last year to 51 in 1989. Twenty-seven of these concerned notices of calls for tender which were not placed in a particular minority language newspaper. The remaining 24 involved signage (nine), in-person reception provided by commissionaires (six), language of work issues (four), telephone reception (two) and one each for correspondence, recorded messages, and the language requirements of a position. The Department was co-operative in the resolution of these complaints.

Royal Canadian Mounted Police*

The Royal Canadian Mounted Police should update its policies and practices to bring them more in line with the requirements of the 1988 Official Languages Act. While it continues to make progress towards achieving an equitable participation of its Anglophone and Francophone employees, the RCMP needs to improve its record with respect to serving the public and ensuring that English and French enjoy equal status in the workplace. In short, the 1988 Act has had little impact on the implementation of the official languages program in this organization.

Given the number and nature of complaints we received from the public this year concerning the RCMP's services, the Force should ensure that an adequate bilingual capability exists in all locations where significant demand exists. The RCMP reports that 23% of its 17,072 members are bilingual in 1989, a marginal increase over 1988. However, as only two-thirds of this number have valid language test results, the actual number of members who currently have the required knowledge of both official languages cannot be determined with any certainty.

Of public servants working for the RCMP, 23.7% (773 out of 3,260) occupy bilingual positions, up slightly from 22% in 1989. However, close to 21% of the incumbents of these positions do not meet the language requirements.

French does not enjoy the status it should as a language of work in the RCMP. We note that only 467 of 825 incumbents (56.6%) of bilingual supervisory positions are known to meet the linguistic requirements. The second-language capabilities of the remainder are either unknown or insufficient, weaknesses which merit immediate corrective action. The Force also needs to turn its attention toward the Personnel Directorate at Headquarters, where French is far from enjoying an equitable status in the workplace. Indeed, the RCMP should give serious thought to conducting a survey of the language of work situation throughout Headquarters, as complaints we received this year suggest systemic obstacles hindering the use of both official languages.

On a related note, the RCMP has failed to respond to concerns we expressed last year about the detrimental effects of the Unit Bilingual Complement (UBC) system on the language of work in bilingual regions. This system was originally introduced by the RCMP to establish an adequate level of bilingual resources to serve the public in unilingual areas. However, the RCMP has expanded the UBC system to bilingual regions without giving due consideration to its language of work obligations under the Act. As a consequence, the Force has imposed upon certain employees the necessity to seek direction elsewhere in cases where their supervisors are not able to communicate in the preferred language of the former. We await the RCMP's report to the Treasury Board Secretariat on the application of the UBC system in bilingual regions.

The RCMP has set a long-term goal of 20.8% for Francophone participation among its members, an appropriate proportion given its mandate, location of its offices and clientele served. We note that the Force is getting closer to reaching this goal, with Francophone participation increasing from 17.8% in 1988 to 18.2% in 1989. This improvement is largely attributable to the fact that 25% of the regular members hired this year are Francophones. The RCMP should continue such recruitment efforts for regular member positions, which constitute 82% of all member positions. The Force also needs to achieve a proper balance in "A" Division, which serves the National Capital Region and certain outlying areas. Only 249 of 806 members in "A" Division (31%) are Anglophone. The Force's public servants total 3,260 in 1989 and 20% of these are Francophones, a small increase over last year.

We received 48 complaints against the RCMP in 1989, up sharply from 32 in 1988. Slightly more than half of these related to service to the public, with reception by telephone and in person (19 complaints) being particular problem areas. RCMP employees lodged 15 language of work complaints, most coming from New Brunswick and the National Capital Region. Several complaints contested the language requirements of positions being staffed. In general, the RCMP was slow in resolving complaints in 1989.

Secretary of State

The Department of the Secretary of State amply fulfilled most of its linguistic obligations in 1989. The Department treats any level of demand for minority language service as significant and tangible improvements in active offer of service have been achieved in the last year. The high level of bilingualism among employees means that English and French continue to be used freely as languages of work. However, two areas of weakness that have been the subject of negative comments in every one of our Annual Reports since 1984 once again diminished an otherwise laudable performance. In short, the 1988 Official Languages Act has had a tangible impact on the implementation of the official languages program in this organization.

In 1986 we described the fact that only 11 of 37 Citizenship Court judges were bilingual as "a blot on the landscape". Three years later the number is 16 of 49, roughly the same level. Despite efforts by the Department to provide language training to appointees, citizenship candidates are still liable to find that the person who possesses the power to decide whether they qualify to become citizens of this country, one of the criteria being the ability to speak one of the official languages, is unable to do so in that language. This embarrassing state of affairs has led to 12 complaints in five years.

Although the number of supervisors who meet the language requirements of their positions fell slightly in 1989, employees nevertheless continue to be able to work, to a very large extent, in their preferred language. Work instruments, computer software and users' manuals, and central and personnel services are generally available in both languages. A commitment by the Department to require the highest level of second-language proficiency when appointing regional directors has been scrupulously fulfilled. Currently all nine incumbents of these positions satisfy the language requirements.

While it is understandable that Francophone participation is particularly high in the Translation Bureau, given that 80% of its translated texts are from English to French, it is clearly not justifiable that the Anglophone participation in other sectors of the Department reached a new low of 49%. When, in 1984, we criticized Anglophone participation as being far too low at 56%, little did we suspect that that would be the highest figure attained for the next five years. Although the actual numbers involved are relatively small, it is nevertheless interesting to note that unlike most other departments which report difficulty in finding and retaining Francophones in positions in the Scientific and Professional and Technical categories, the Secretary of State's Department is short of Anglophones in both of these. In the Administrative and Foreign Service category, the situation is no better. Once again we call on the Department to take action to achieve more equitable overall participation, noting that an improvement has occurred in Quebec, where Anglophone participation now stands at 12.9%.

Complaints against the Department fell to 14 compared to 30 last year. Thirteen of these concerned language of service, while the others touched on language of work. Complaints handling procedures have been made more effective since the Assistant Under-Secretaries of State now have the responsibility for ensuring that corrective action in response to complaints is taken.

Solicitor General

The overall language situation in the Secretariat of the Department of the Solicitor General has improved this year. The Secretariat has maintained an acceptable level of service to the public and has even increased its bilingual capacity. In terms of language of work, the hiring of several bilingual managers should help

to create a work environment more conducive to the use of French. With regard to equitable participation, a decline in Anglophone participation was noted this year. In short, the 1988 Official Languages Act has had some impact on the implementation of the official languages program in this organization.

Given its significant co-ordinating role with respect to all government and private sector parties involved in criminal justice, the Secretariat must maintain a very good bilingual capacity. Nearly 70% of its 267 positions require second-language skills — an increase of approximately 40 positions over 1988, primarily in the Police and Security and the Corrections sectors, which have traditionally been unilingual English. Moreover, the Secretariat has implemented its policy requiring that specialized reports be translated. Of the 12 reports published in 1989, 11 were available in both official languages. The 12th was distributed only to a limited number of specialists.

French is still under-used as a language of work in the Secretariat's operational sectors despite continuing efforts that had been initiated the year before to remedy the situation. This year, the hiring of bilingual senior managers, greater bilingual capacity in traditionally Anglophone sectors, and in-house language training given since April to 42 employees should facilitate the use of French in meetings and in drafting documents. However, French will not be able to make truly significant gains until the Secretariat increases the bilingual capacity of supervisors, nearly 23% of whom do not meet the language requirements of their positions. This is a 3% decline in capacity from last year.

Given its mandate, its clientele and the fact that 90% of Secretariat employees work in the National Capital Region, the Anglophone participation rate of 68% seems somewhat low (a 2% drop from last year). Anglophones are particularly under-represented in the Administrative Support category, where they fill just 49 of 93 positions, or 52.7%. However, the Secretariat's efforts to increase Francophone participation in the Management category have been successful. There are now six Francophone employees (19.4%) in this category compared to only one last year. Relations established in 1989 with Francophone educational institutions specializing in criminology and related fields should help the Secretariat to increase the number of its Francophone specialists. At present only one of 20 positions in the Scientific and Professional category is filled by a Francophone.

We received three complaints against the Secretariat in 1989, one less than in 1988. All dealt with service to the public.

Statistics Canada

Statistics Canada is to be congratulated for its continuing efforts to improve its bilingual service to the public. In 1989 this service has improved in a number of

areas. Moreover, Statistics Canada, aware that French continues not to have the status it should as a language of work, has taken measures to improve the situation, though problems still persist regarding equitable participation. In short, the 1988 Official Languages Act has had some impact on the implementation of the official languages program in this organization.

In 1989, Statistics Canada has improved on an already good record in service to the public. In preparation for the 1991 Census on Population and on Agriculture, Statistics Canada organized a series of nation-wide public meetings, in 1989, to discuss content and question formulation. More than a thousand people participated in these consultations in both languages. As well, in the wake of an internal audit recommendation, a question on language preference is now in all survey questionnaires. The number of bilingual interviewers for surveys has increased slightly, to 85.9%. However, Statistics Canada has maintained its rule that interviewer positions are designated bilingual wherever 10% of the population covered belongs to a minority official language group. In our view, this, combined with flaws in the administrative arrangements made to compensate for unilingual interviewers, is too restrictive. Forthcoming regulations on significant demand will likely shed light on this matter.

French continues not to have the status it should as a language of work in the National Capital Region and in other bilingual regions. More specifically, the percentage of supervisors meeting the language requirements of their positions declined from 79% in 1988 to 77% in 1989. In the Management category only 37% of the managers have attained the highest level of bilingual competence. We encourage Statistics Canada to pursue its initiative for language retention and managerial language training with intensified vigour.

Statistics Canada is following up on its commitment, made in 1988, to carry out an in-depth study to explore language of work problems in relation to computer technology. The study has so far revealed that the major software packages used with the Department's 1,500 micro-computers are available in both official languages. However, detailed information for all systems is not yet available.

In 1989 overall Anglophone participation decreased to 62.1% from 63.3% in 1988. In light of its mandate, location and the public it serves, this appears low. At headquarters Anglophone participation decreased slightly in 1989 to 58.1% in the Administrative Support category. In Quebec Anglophone participation has increased for the second year in a row, this time from 8.6% to 11%, in spite of staffing constraints.

We received 14 complaints against Statistics Canada in 1989, the same as in 1988. All dealt with service to the public. The organization is co-operative in dealing with complaints. Moreover, Statistics Canada signed a Letter of Understanding on official languages with Treasury Board in 1989.

Supply and Services*

Since 1988 the Department of Supply and Services has made some progress in the area of language of service, but the bilingual capability of its procurement officers is still deficient. Moreover, French is still not accorded the status it deserves as a language of work and there are still imbalances in the participation of the two language groups. In short, the 1988 Official Languages Act has had a limited impact on the implementation of the official languages program in this organization.

The Department has improved some aspects of its services to the public. Following our intervention in connection with a complaint the Superannuation Branch in Shediac, New Brunswick, has had a separate number for service to its Francophone clients since October 1989. SSC has taken steps to make this number known to its clientele. In addition, the full text of all articles appearing in the review *Optimum*, published by the Bureau of Management Consulting, is now in both official languages, which constitutes a significant step forward in this publication's development. Furthermore, the Department took advantage of a complaint to conduct an audit of the telephone service of its 25 offices providing government travel service to ensure that there was bilingual telephone reception in all of them. On the other hand, despite the Department's commitment to increase the level of bilingualism of its procurement officers, we have observed very little progress in this regard in 1989.

We have observed, moreover, in the organization as a whole, a decrease in the number of incumbents meeting the language requirements of their bilingual positions — from 86% in 1988 to 83% in 1989. This decrease, added to the insufficient bilingual capability of procurement officers, can only have an adverse effect on overall service to the public. In this regard, the department should put in place a method for verifying client satisfaction in order to identify the areas in which there are deficiencies.

Despite the mechanisms established to enable SSC employees to work in the official language of their choice (including bilingual work instruments), English continues to be perceived by employees as the only language of work. This is especially the case, according to the Department, in the Supply Operations sector. Possible reasons for this are the increasing number of incumbents of bilingual supervisory positions who do not meet the language requirements of their position (6% more than in 1988), and the fact that a very large majority (88%) of these positions require only the intermediate level of second-language knowledge. In addition, it should be noted that some Francophone employees at the Canadian Government Printing Services do not always receive supervision in their preferred language.

The Superannuation Branch was the subject of two complaints which brought to light problems related to language of work. Following the Commissioner's

recommendations in this area, SSC informed us of the measures it plans to take in terms of employee training and written communication to correct the situation. The matter was still under consideration at year's end.

Given SSC's mandate, the location of its offices and its clientele, Anglophone participation remains low overall: only 5,587 or 58% of SSC employees are Anglophone. This situation has not changed since 1988. There still are too few Anglophones in the Technical (63%), Administrative Support (56%) and especially in the Operational (35%) categories. We feel that SSC should, as far as possible, take measures to rectify this situation and integrate these measures into its official languages action plan. We encourage the Department to continue the university recruiting efforts to which it has given particular emphasis this year. The number of Anglophone employees in Quebec is still quite low despite the participation of SSC on an *ad hoc* committee working on this question. In fact, only 16 of the 714 SSC employees in Quebec (2.2%) are English-speaking. This is a slight decrease from last year, when 19 out of 726 employees (2.6%) were English-speaking.

In its 1989-90 official languages plan SSC established objectives that have been reviewed in light of the 1988 Official Languages Act. In particular, these objectives take into account Section 91 of the Act, Anglophone participation in Quebec, publications and information intended for the general public and the language capability of incumbents of bilingual positions. These objectives are integrated into the Department's operational plans. Senior managers, as well as all supervisors who occupy bilingual positions, are now evaluated in terms of their official languages responsibilities.

In 1989 the number of complaints concerning the Department rose considerably, from 29 in 1988 to 54 this year. These complaints were mainly concerned with telephone communications, language of work and the staffing process. At the end of the year we learned that the Human Resources Directorate had taken over the co-ordination of complaints from the Office of the Corporate Secretary. We hope these complaints will be dealt with just as quickly and with the same concerted efforts by all the parties concerned.

Transport*

In 1989 the Department of Transport devoted its energies to renewing the official languages program in terms of regulation, program infrastructure and increased managerial accountability. However, major linguistic problems regarding service to the public remain unresolved, and there is no improvement in the areas of language of work and equitable participation. In short, the 1988 Official Languages Act has had little impact on the implementation of the official languages program in this organization.

In February 1989 the Department informed us that it had drawn up regulations for the airlines to ensure that safety announcements on aircraft be made in both official languages. Transport Canada also informed us that it was consulting with the Department of Justice on this matter. We must mention the slow pace with which the Government is complying with the public health, safety and security provisions of the Official Languages Act. In 1989 we received many complaints on this matter involving some 10 airlines.

In the Great Lakes Region, communications with vessel traffic cannot be provided on an ongoing basis in both official languages. The Coast Guard is still experiencing problems in organizing itself to provide the public health, safety and security services which are deemed essential under the Act.

Although bilingual services to the travelling public are widely available in some airports, the inconsistency with which they are available or offered in many large airports makes it impossible to rely on them. The 171 complaints received last year, involving mainly Winnipeg, Sydney and Yarmouth in Nova Scotia, Toronto, Prince George, British Columbia, and Vancouver airports, are indicative of the difficulty with which the Department ensures compliance with the language clauses in the contracts binding concessionaires and lessees.

The plan to provide bilingual communication between air navigation and the air traffic control tower at Ottawa International Airport was postponed again in 1989. The obstacle to bilingualism in these services is the difficulty in staffing the Ottawa control tower with 12 bilingual air traffic controllers. We strongly encourage the Department to make all the efforts required to implement these major changes, which are now scheduled for April 1990.

The language of work situation is the same as it was a year ago. French is used in Quebec and in personnel offices in the National Capital Region. Elsewhere, English largely predominates. The fact that 33.3% of the bilingual supervisory positions in the NCR are filled by unilingual employees does not promote the use of the two official languages in the workplace. Added to this systemic barrier is the low participation rate of Francophones (17.3%) in the Management category.

We should mention at this point that the complaints investigated during the year led us to conclude that there are serious problems with respect to work instruments and the availability of bilingual training and development courses. As for central services and personnel services, it should be noted that their bilingual capacity is well short of the Department's recognized needs. We encourage the Department to intensify the efforts undertaken this year to promote a more equitable use of the two official languages in the workplace.

In 1989 there was no noticeable improvement in equitable participation over 1988. Francophone participation remains at 22%. In the NCR the Francophone

participation rate was 18% in the Management category and 18.4% in the Technical category. In light of its mandate, clientele and location, the Department does not meet the equitable participation requirements of the Act in the NCR. The situation is no better in New Brunswick where Francophone participation is 13.4% and in Quebec where Anglophone participation is 7.5%.

In December 1989 Transport Canada appeared before the Parliamentary Committee on Official Languages and renewed its commitment to the program. We can only hope that the Department will maintain its momemtum. Growing public dissatisfaction is appearing, as evidenced by the number of complaints, which more than tripled from 100 to 333 in 1989. Overall, these complaints concerned service to the public, particularly the travelling public in Canadian airports. Generally, complaint settlement is a laborious process despite the good will of those in charge.

Treasury Board Secretariat

The situation at the Treasury Board Secretariat with respect to official languages is almost exactly the same in 1989 as it was in 1988: satisfactory overall, though not without some weaknesses. Despite some improvements the same problems with service to the public and language of work persist, as do the weaknesses in Francophone participation in the Management category and Anglophone participation in the Administrative Support category. In short, the 1988 Official Languages Act has not yet had the expected impact on the implementation of the official languages program in this organization.

With regard to service to the public it should be noted that the services provided under contract by the commissionaires have improved and that only one complaint about them was received in 1989. There were five the year before. The medical and dental insurance plans, which are managed by private firms on the Secretariat's behalf, gave rise to five complaints this year, three more than in 1988. The Secretariat is continuing its efforts to ensure that the services provided by these companies respect the rights of employees.

Section 37 of the 1988 Official Languages Act obliges the Treasury Board Secretariat, in its dealings with employees of other federal institutions, to respect their right to work in the official language of their choice. Although this is already a component of its policy the Secretariat will nevertheless have to exercise increased vigilance in order to ensure that it is able to satisfy the provisions of the Act and prevent a repetition of the situations that produced the nine complaints on this subject that we received in 1989.

There is no indication that French has made any progress as a language of work within the Secretariat in recent years, particularly in light of the drop in Francophone participation (now 18.1%) in the Management category. The methods

advocated to improve the situation (offering additional language training courses, raising the language requirements of supervisory positions, distributing a guide on chairing bilingual meetings) did not produce the expected results. It is worth mentioning that the Secretariat plans to conduct a survey on language of work in 1990 similar to the 1987 one and to ask its employees to identify obstacles to the use of French at work.

The situation with regard to equitable participation is more or less the same as it was in 1988 and is unsatisfactory in several respects. The Treasury Board Secretariat has 628 employees, of whom 398 (63.4%) are Anglophones and 230 (36.6%) Francophones. In some employment categories the imbalances that we have been pointing out in our annual reports for five years now have increased. Francophone participation in the Management category has dropped slightly to 19.3% — it was 20.4% in 1988 and 24.4% in 1986. There is no question that these imbalances have a direct effect on the use of French at work. The Anglophone participation rate in the Administrative Support category has also fallen again. It is now 33.9%; it was 38.8% in 1988 and 45% in 1986.

We received 16 complaints concerning the Treasury Board Secretariat this year compared to 17 in 1988, primarily about the central services offered to departments and the provision of services in connection with medical insurance plans. The Secretariat has been very co-operative in settling these complaints. The Secretariat signed a letter of understanding with the Treasury Board on Official languages in 1989.

Via Rail

The budget cutbacks announced in 1989 and the ensuing major reorganization have caused a slowdown in the pace maintained in recent years of language reform in Via Rail. Consequently, little progress has been made in certain problem areas of service to the public, such as the assignment of bilingual personnel in stations and on trains. French is not used to the extent it should be as a language of work at headquarters or in the Atlantic regional office. The participation of the two language groups, basically the same as last year, remains satisfactory given the Corporation's mandate, the location of its offices and its clientele. In short, the 1988 Official Languages Act has had little impact on the implementation of the official languages program in this organization.

From the standpoint of service to the public, unilingual staff in contact with customers are the main source of complaints received against the Corporation. Two years ago Via Rail tackled this problem by negotiating with one of the unions an agreement which allowed it to assign bilingual employees to strategic positions. Unfortunately, these negotiations have not progressed very much over the past year. The Western Region has not concluded any such agreement, while the Ontario Region has settled only with station employees. The Quebec and Atlantic Regions have in place a framework containing a language clause for

employees who are affiliated with the Canadian Brotherhood of Railway, Transport and General Workers and who work on trains and in stations.

Massive layoffs at Via Rail are jeopardizing the organization's current level of bilingualism and the language arrangements reached in the past two years in these collective agreements. Essentially, employee cutbacks will be made in order of seniority, regardless of language proficiency. Already, in Nova Scotia, none of the 37 positions that will be maintained in the stations call for bilingual staff; the use of any bilingual capacity among employees in that province would be a matter of chance.

Via Rail has suspended its language training program, waiting to find out the effects of the reduction in services on its staff. Moreover, the Corporation has not finalized its plans to inform customers of the locations where services in the two official languages can be obtained. It should be noted that directives and a brochure have been given to employees reminding them of their obligation to offer bilingual service to the travelling public and the measures to be taken to meet this obligation.

With regard to language of work, the inadequate level of bilingualism among supervisors is still the main stumbling block for employees wanting to work in the official language of their choice. Nevertheless, Via Rail has made an effort to improve this situation. For instance, from now on, employees will be able to indicate on their performance appraisal forms their first official language and the language in which they want to be evaluated. The Corporation has arranged for the translation of the latest performance appraisals not written in the employees' preferred language. The program (which we mentioned last year) undertaken to ensure that safety regulations governing the operation and use of rolling stock are bilingual is almost completed. All instructions have now been translated; the inspection staff has been affixing them to the rolling stock as it is overhauled in the Montreal maintenance shops.

Via Rail has 6,863 employees, 2,504 of whom (36%) are Francophones. This is a decrease of over 2% compared to last year. Despite this drop, the participation of both linguistic groups is equitable, considering the mandate of the Corporation, the location of its offices and the public served.

Reducing the Corporation's ranks may cause major variations in the participation of the two language groups. In fact, 1,436 of the anticipated 2,761 layoffs (52%) will affect the Quebec and Atlantic Regions. Since 92% of Via Rail's Francophone employees are in these two regions, staff reductions may have a greater effect on them, to the detriment of the overall balance.

Twenty-seven complaints were lodged against the Corporation this year compared to 38 in 1988, all of them concerning language of service. As in the past, the lack of service in French on trains is the main cause of complaints from the public.

PART IV

Minorities

1. Overview: Clouds and Silver Linings

The fate of minority communities, present in all of Canada, is often related to political developments and the opportunities they afford, as well as those they deny. The future of these communities also depends on measures the provincial governments take to preserve their existence, in particular in the areas of instruction and provincial and municipal services in the minority language, and on measures the Government of Canada takes to promote their vitality, an objective now firmly rooted in the Official Languages Act. That future is also shaped by the actions of the communities themselves, their desire to survive and their confidence in their ability to succeed. In overall terms, the condition of the minority communities continued to weaken in 1989. However, at the dawn of the last decade of the 20th century, a new partnership appears to be taking shape, one which includes the Government of Canada, the minorities of both official languages and their respective provincial or territorial governments. It is a partnership that offers new hope for the future.

Interdepartmental co-ordination and federal-provincial co-operation

We have taken these three perspectives into account as we report on new initiatives in federal interdepartmental co-ordination and intergovernmental co-operation designed to preserve and promote the vitality of minority communities. We also review the linguistic climate and some of its effects. Minority language education, a pressing central issue, is discussed under the heading of intergovernmental co-operation. We will round out this overview with a look at the achievements and orientations of the communities and the main organizations representing them at the national level. We will also look at the work of Canadian Parents for French and of the Commissioner of Official Languages. Chapter 2 of this Part contains a province-by-province survey of the main issues of interest to the official language minorities. The major linguistic and legal questions are discussed in Part I.

Year after year we try in this Report to take the pulse of the official language minority communities. We attach such importance to this exercise because the fate of these communities is linked to the very future of Canada and in turn shapes that future in a significant way. A weakening of these communities would

undermine the identity of the country as a whole. Conversely, their strengthening can only enrich the nation.

By giving unanimous approval to the Meech Lake Accord in June 1987 the 11 first ministers of the time grasped and recognized the full importance of Canada's linguistic duality. It was their wish to state in the Constitution Act that the existence of our minority communities constitutes "a fundamental characteristic of Canada" and that, as such, those communities should be "preserved"[1].

Following this statement of principle, Parliament proclaimed, in the 1988 Official Languages Act, the federal Government's commitment to go beyond simply "preserving" by recognizing its commitment to:

> (a) enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development;
>
> (b) fostering the full recognition and use of both English and French in Canadian society (Section 41.)

This commitment is binding on *all* federal institutions and the Secretary of State of Canada plays a key role, which is to:

> encourage and promote a co-ordinated approach to the implementation by federal institutions of the commitments set out in Section 41 (Section 42.)

The Act also assigns that minister the responsibility to:

> encourage and assist provincial governments to support the development of English and French linguistic minority communities generally and, in particular, to offer provincial and municipal services in both English and French and to provide opportunities for members of English or French linguistic minority communities to be educated in their own language (Section 43(1)(d)).

"Enhancing the vitality", which may be taken to mean the power or ability to develop and grow, gives a clear idea of the scope of the task at hand. Section 43 contains a list of measures that are to be taken to carry out this commitment. The activities of the Department of the Secretary of State are analysed in Chapter 4b of Part I of this Report. In this chapter, we shall conduct a more detailed examination of two components: federal interdepartmental co-ordination and federal-provincial co-operation. The second may be subdivided into two parts: provincial and municipal services and the education of minority communities in their own language.

---

[1] To the best of our knowledge, no one has challenged the appropriateness of this provision of the Accord.

Interdepartmental co-ordination

The Department of the Secretary of State took a number of promising initiatives in carrying out this new interdepartmental co-ordination role.

- With financial assistance from the Department, the Fédération des francophones hors Québec (FFHQ) and Alliance Quebec identified federal programs that have major impact on the development of minority communities.
- The Department prepared an inventory of these programs to enable minorities, both individuals and groups, to become more familiar with them.
- After consulting its members, the FFHQ prioritized the needs of the Francophone communities and targeted the most important programs.
- The Secretary of State then sponsored meetings between the FFHQ and the ministers responsible for Communications, Health and Welfare (in June) and Employment and Immigration (in September). Similar meetings will soon be held with Alliance Quebec.
- Other meetings were organized with the regional directors of the federal departments in a number of provinces.

A three-way dialogue has been started based on a pragmatic approach that encourages co-operation. It is too early for the process to have resulted in changes to particular programs or the terms and conditions of their implementation. For example, the federal government will allocate some $250 million to assist the provinces in establishing day-care centres. However, by opening day-care centres in which the language of the minority is not spoken the provinces may be creating assimilation centres rather than supplementing the "minority language educational facilities" provided for in Section 23 of the Charter. The measures taken to date, like the human resources allotted them, are ultimately quite modest given the scope of the task at hand. We believe that the Department of the Secretary of State should ask the deputy heads of departments and Crown corporations to develop mechanisms for controlling and evaluating implementation of Section 41 and to submit an annual written report on their achievements. We hope that the second year of implementation of the Act will be marked by greater achievements though more disciplined planning.

Federal-provincial co-operation: services

Last year we commended the Secretary of State for major achievements in bringing about federal-provincial co-operation on official languages. That work continued throughout 1989.

- Subsidiary agreements were reached with Prince Edward Island, New Brunswick and Ontario. Pursuant to general agreements on the promotion of

official languages, they provide joint funding for a full range of initiatives designed mainly to provide more provincial services in French.

- The five-year Canada-Quebec agreement signed in the spring provides for outlays of approximately $10 million to implement Bill 142, which guarantees access to health and social services in English. The proposed projects take into account the specific needs of the 11 health and social services regions subject to the provisions of Bill 142. Plans include information and advertising campaigns.

- Late in the year Nova Scotia became the fifth province to sign a multi-year general agreement. The province will thus receive support from the Department of the Secretary of State for, among other things, implementation of its French-language services policy.

- Another intergovernmental co-operation agreement is also worthy of note, this one involving the Maison de la Francophonie in Vancouver which will no doubt become a focal point for the growth and development of the French language in British Columbia.

- Lastly, an agreement was also reached with the Yukon on a contribution for the development, improvement and implementation of French-language rights and services, along with other agreements of more limited scope, including those with Manitoba and the Northwest Territories.

By broadening the range of services they provide in the minority language, the federal government and many provinces are acting on the commitment they made in June 1987 to preserve linguistic minorities. In addition, on January 1, 1990, a Criminal Code provision went into effect guaranteeing every accused person in Canada a trial before a judge and jury who speak the accused's official language. What is more, the governments are making these efforts in co-operation with each other, as witness, for example, the multi-sectoral agreement signed for this purpose last summer between Quebec and Prince Edward Island and a co-operation agreement signed by the three Maritime premiers on December 14 designed to promote the exchange of information and services in Acadian and Francophone affairs.

We very much hope that the federal government and Alberta will shortly sign a framework agreement of the quality of that reached with Saskatchewan following the Supreme Court decision in the Mercure case and that Manitoba and British Columbia will also join the provinces that have signed framework agreements on the promotion of official languages.

Federal-provincial co-operation: education

Federal-provincial co-operation in the area of official languages began in 1970 with joint efforts in minority language and second-language education. This development followed publication of Book II (Education) of the report by the

B and B Commission, which had recommended that the provincial and territorial governments broaden their education programs in the language of the official language minority communities at the primary, secondary and post-secondary levels. The Commission had also suggested introducing more advanced second-language instruction. The federal government then undertook to share the additional costs of these programs with the provinces and territories. In 1983 a new comprehensive agreement was reached through the Council of Ministers of Education, Canada. Another new protocol was signed with CMEC in November 1988 providing for average annual increases of 3.8% in federal payments until March 31, 1994. By the end of 1989 it had resulted in new bilateral agreements with every province and territory. Under these agreements, priority is given to the development of new programs rather than to support for existing ones; payments to support infrastructure are tied to enrolment. It was a promising start to the 20th year of productive intergovernmental co-operation.

However, after the Canadian Charter of Rights and Freedoms came into force on April 17, 1982, many interested parties expected to see more spectacular results than those actually achieved. A profound disenchantment gradually replaced the initial enthusiasm among Francophones living outside Quebec. In a majority of provinces the number of minority facilities developed in the first eight years hardly meets the needs of the minority communities or respects their rights.

It was no doubt for this reason that the Commission nationale des parents francophones (CNPF) demanded that the federal government provide the financial support it needed to carry out its mission of ensuring that a solid majority of young people eligible under Section 23 gain access to quality French-language instruction, provided in teaching facilities controlled by the minority, in every province and territory before the year 2000. We were pleased when the Secretary of State answered the call by granting the Commission and its provincial and territorial offices the financial resources to enable them to go about this major task more effectively in 1989.

How do the CNPF and its provincial and territorial member organizations intend to carry out this mission? CNPF officials feel that minority education rights can be secured only by first developing an implementation plan for each province and territory. This plan must reflect the current state of development of French-language education and the specific features of the education system in each jurisdiction.

From the outset parents expected their respective governments would develop a plan to implement their new education rights in consultation with the major partners in education without waiting for a Supreme Court decision. However, in response to an essentially reactive attitude and following repeated court cases, it has become obvious to the parents that they will have to design an appropriate education system on their own and demand its implementation as soon as

possible. They will thus have to map out the elementary and secondary school network that will eventually serve most of the eligible clients. This effort will later make it easier to design the appropriate administrative structure and organizational system to manage minority instruction and facilities in each jurisdiction where there are deficiencies in this respect.

The action plans adopted at the Francophone parents' national conference in February call for two major types of action. First, the maintenance program will provide for the ongoing training of volunteers and for liaison among the various players and will provide professional and technical support for parents' committees where programs are offered. Second, the development program will bring together parents wishing to obtain educational services in French and will provide support for their demands: information documents, tools for raising awareness, effective lobbying and, if necessary, preparing court cases.

As a result of the lack of an adequate system of French-language day-care centres and nursery schools, Francophone children are often anglicized even before they go to school. To counter this problem the CNPF has developed a research project designed to establish a pan-Canadian system of French-language day-care centres in minority communities. Under the project the CNPF will first seek out pre-school children with at least one parent whose mother tongue is French, in accordance with Section 23(1)(a) of the Charter, then develop the program's teaching content and train support staff and volunteers.

The Francophone parents movement has quickly drawn on the new resources placed at its disposal and has moved resolutely into action, very quickly achieving progress from coast to coast. In less than a year some 65 new parents' committees have sprung up, including 20 at the pre-school level, in addition to the 436 existing committees already in the system, which includes more than 30,000 active volunteers.

Section 23 and Quebec

In Quebec the effect of the 1984 Supreme Court decision in the Quebec Association of Protestant School Boards case was to extend minority education rights to the children of Canadian citizens who received their primary or secondary education in English in Canada (instead of only in Quebec, as provided in the French Language Charter). It will be remembered that, under a general provision of Section 59 of the Constitution Act, 1982, Section 23(1)(a) concerning the mother tongue criterion will come into effect in Quebec only upon proclamation by the legislative assembly or Government of Quebec. In the circumstances, the dramatic decline in English-language school enrolment, from 248,000 in 1970-1971 to 104,000 in 1988-1989, greatly concerns English-speaking Quebecers. This downward trend may be attributed to many factors, including a falling birth rate, the Anglophone exodus and rising enrolment in French-language schools, and has created some serious problems. Aware of the increasingly obvious decline in linguistic homogeneity in the Catholic and Protestant sectors, the

Government of Quebec proposed, through Bill 107, to create new school boards along language, rather than denominational, lines. However, since the provisions of the Bill could conflict with Section 93 of the Constitution Act, 1867, concerning denominational schools, Quebec has chosen to refer the provisions to its Court of Appeal to determine whether they are constitutional. Despite some reservations, many representatives of the Anglophone community have welcomed this move while expressing the wish that the province propose a constitutional amendment to Section 93 should there be any unexpected delays in the process. (More details are provided in the Quebec section of the next chapter.)

A study on the scope and implementation of Section 23

The Office of the Commissioner of Official Languages also wanted to make a contribution to the implementation of Section 23. Its thinking on the question was inspired by exchanges of views which the Commissioner had with the major players during his travels across the country. His discussions with the ministers of education of most of the provinces and territories and with a majority of provincial premiers yielded results and confirmed in his mind the need to conduct a comprehensive study of the scope of Section 23 and the issues associated with its implementation across the country. This Office hoped to provide all those concerned with information and analyses to assist them in giving effect to minority education rights. We hope to make the results of the study public by the summer of 1990. The major findings of the study are outlined below.

In the 1984 decision in the Quebec Association of Protestant School Boards case, the Supreme Court of Canada found:

> ...the framers of the Constitution manifestly regarded as inadequate some — and perhaps all — of the regimes in force at the time the Charter was enacted, and their intention was to remedy the perceived defects of those regimes by uniform corrective measures, namely, those contained in Section 23 of the Charter, which were at the same time given the status of a constitutional guarantee.

In the 16 cases brought before the courts since 1982 to clarify the meaning and scope of this section, 13 decisions have been rendered. The first chapter of the study presents a summary of those decisions and traces the development of the meaning which the courts have given to the eligibility criteria, to the word "instruction" and to the concepts of "educational facilities" "management" and "services of equal quality".

Chapter II sets out the background and description of the educational system of each province and territory and provides statistics on the eligible clientele, enrolment in minority language education programs and the number of English- and French-language schools.

Chapter III analyses the issue of school management and examines the components of contemporary school administration, highlighting the most important factors concerning the minority's control of its institutions. In Chapter IV the authors present, classify and evaluate against a functional grid each of the existing and proposed minority school management models, emphasizing the strengths and weaknesses of each. The last chapter contains the study's main conclusions and recommendations.

Post-secondary education

The English-language college and university network in Quebec provides a broad range of programs and, despite its funding problems, which we discuss in our next chapter, contributes to the English-speaking minority's high rate of enrolment in post-secondary institutions. In this section we analyse the situation of minorities in the rest of the country.

Opportunities for access to minority language education outside Quebec, and indeed equality of access, will be possible only if there exists an integrated educational system from the pre-school (day care and kindergarten) level to university. The problems of French-language post-secondary education outside Quebec are particularly complex. We have no reliable data on Francophone university enrolment outside that province, but data collected in Ontario in 1985, though they cannot be extrapolated, reveal part of the problem very clearly. The information revealed[2] that Franco-Ontarian enrolment in post-secondary institutions was 50% lower than that of non-Francophones, even though opportunities for access to French-language post-secondary programs in Ontario — the Cité collégiale and a network of French-language applied arts and technology colleges will soon help rationalize this entire sector — are already far greater than those available to most other Francophone communities outside Quebec. In addition, more complete implementation of Section 23 could cause greater demand in regions where there are relatively few Francophones and choices are very limited. How to meet this challenge?

The benefits to be derived from the Quebec French-language university system are obvious, given the enrolment needed to support specialized instructional programs and the opportunities made possible by distance education. However, before choosing this path, it is important that existing institutions be strengthened as much as possible. The role they play in the communities they serve is of the greatest importance. These institutions will also have to establish workable and complementary roles based on the creation of centres and networks of excellence supporting strong economic sectors in their respective regions. In very specialized fields students will nevertheless be forced to pursue their post-secondary education in Quebec or somewhere else. There is an urgent need to seek the

---

[2] Churchill, Frénette and Quazi, *Éducation et besoins des Franco-Ontariens : le diagnostic d'un système d'éducation* (Educational and Franco-Ontarian Needs: Diagnosis of an Education System), Conseil de l'éducation franco-ontarienne, November 1985.

broadest possible consensus among the interested parties in order to provide better service to the student clientele of tomorrow.

Why are the parties so slow to act? One must understand two features of our system. The first is that education in Canada is the responsibility of the 10 provinces and two territories. In addition, except where otherwise provided, authority in the area is shared by a department of education and a department of post-secondary education and in some instances a third department responsible for technical and professional instruction. The second is that the universities are private institutions. They have always guarded their independence, at times jealously. The sometimes different needs of the two linguistic clienteles of bilingual or partly French-language institutions also complicate the situation. Although unified action is made difficult by the jurisdictional issues, the clientele is so small that it would benefit from being viewed as a single entity. In these circumstances, co-ordination and co-operation in establishing inter-institutional networks is the way to go.

At an initial meeting in Montreal on March 31, 1989, representatives of the nine concerned institutions precisely defined a certain number of common features and agreed on the usefulness of providing a broader range of quality post-secondary programs in French. With the support of the Association des universités partiellement ou entièrement de langue française and the Association of Universities and Colleges of Canada, the heads of the institutions concerned laid the foundation for standardized eligibility criteria, degree requirements and recognition of academic qualifications, something that will facilitate the mobility of students and professors alike. At a meeting in Sudbury in January university officials will formalize the ground rules of this enhanced form of co-operation among the universities.

The linguistic climate

This year brought increased pan-Canadian debate on the Meech Lake Accord and various reactions to the passage of Bill 178 in Quebec and the language legislation in Regina and Edmonton. The newspapers were flooded with impassioned letters. In addition, there were the protests of the CoR Party, in particular in New Brunswick, and the Association for the Preservation of English in Canada (APEC), mainly in Ontario, against the federal Official Languages Act and certain statutes and policies of a number of provincial governments. The day-to-day life of the minority communities was occasionally made difficult by this confused and, at times, heavily charged climate. The Quebec Anglophone community and Alliance Quebec had trouble recovering from the double blow of Bill 178 and the fire that destroyed the organization's offices late last year.

It is an interesting paradox that this embittered atmosphere produced positive fallout in some areas. Within the majority communities, some people decided to take

the long view and broke their silence. Political leaders and journalists tried to clean up the language debate, to put the facts in perspective and produce accurate analyses. We wish to call attention to the prominent role played in this regard in New Brunswick by the *Telegraph-Journal* (and the *Evening Times-Globe*) of Saint John and its editor, Fred Hazel. *L'Acadie Nouvelle* also encouraged dialogue, thanks in particular to Jean-Marie Nadeau, its new editor. To commemorate the 20th anniversary of the passage of the province's Official Languages Act, these three newspapers printed the entire special report on New Brunswick which this Office published in its Winter issue of *Language and Society*.

Meanwhile, our minorities closed ranks. Their spokespersons took part in the debates in an attempt to explain their situation, their needs and their vision of the future as partners.

Six provincial governments put their shoulders to the wheel

We cannot complete our remarks on the linguistic climate without mentioning the — at times — remarkable work done by a number of provinces to meet the expectations of their minority communities and to help them along the road to equality. Their accomplishments are described in detail in the next chapter, but we note the essential points below.

- The Government of Saskatchewan kept its inadequate language legislation, but, late in the year, announced the creation of a French language co-ordination and translation office and appointed its director. It also developed a planning process for the implementation of minority education rights in which the spokespersons for Saskatchewan Francophones were adequately represented. The Government approved the report of the task force headed by Edgar Gallant and the work of building a Francophone education system began in the fall. The system's framework could be functional by next September.

- Ten years after the Supreme Court decision in the Forest case, Manitoba Premier Gary Filmon announced that he intended to strengthen Manitoba's French-language services policy in the designated regions but not to entrench it in legislation, and to include in that policy all Crown corporations and many hospitals and social service agencies. The policy identifies some 130 government offices and services that will be required to provide services in French. It also provides for bilingual road signs in certain regions. The announcement brought much praise, both from the opposition and the media, and elicited only a few reservations from Grassroots Manitoba spokesman, Grant Russell.

- The Government of Ontario stood firm in its intention to implement the French Language Services Act, which came into force on November 19.

- The Government of Quebec refused to budge on Bill 178 but hastened to take the necessary steps to implement Bill 142, which guarantees health and

social services in English. The province's minister of education also announced that additional funds would be provided for instruction in French as a second language and that a new formula would be adopted to balance funding for McGill, Bishop's and Concordia universities by 1992.

- In New Brunswick Premier McKenna announced that he intended to pass legislation before the end of 1990 to recognize the right of New Brunswickers to a trial by a judge who speaks their language. Premier McKenna also confirmed his intention to entrench Bill 88 in the Canadian Constitution. Bill 88 recognizes the equality of the province's two linguistic communities.

- The Government of Prince Edward Island implemented a comprehensive French-language services policy. It also promised to fully respect the educational rights of Island Francophones.

From all appearances, a growing number of provinces are shouldering their responsibility to preserve and provide better service to their minorities. These are all promising initiatives. The other provinces would do well to emulate these success stories in the coming months. We definitely sense the advent of a new political will, which could strengthen the foundation of Canada's linguistic duality before it is too late.

The minority communities

Most of the minority communities across Canada continued to decline in numbers. In terms of language transfers between Anglophones and Francophones, the Anglophones of Quebec, particularly because of their concentration in Montreal, registered a slight gain. In addition, of the Allophones who said in 1986 that they had adopted one of the official languages, three-quarters chose English. The decline in the Anglophone minority was due in large part to a massive exodus, which, according to the last census, has since slowed considerably.

Anglicization remains the major cause of the decline in Francophone minority populations. Concerned by the high assimilation rate, particularly among young people in most regions of the country, the Fédération des jeunes canadiens-français has undertaken a national survey on the topic. The 1986 census revealed, however, that New Brunswick Acadians have shown remarkably strong and constant resistance to English, at least since 1971. The assimilation rate has remained at 7%, despite major regional variations. This situation may be explained mainly by a birth rate that continues to be a positive factor, population movements much less unfavourable than previously, and the strength of the fishing and mining industries in the northeastern part of the province. The last census also showed that the assimilation rate among Ontario Francophones had fallen and that the linguistic continuity index — the number of home language

speakers divided by the number of mother tongue speakers — had increased slightly from 70.5% in 1981 to 71.1% in 1986, whereas it had declined between 1971 and 1981.

The idea that progress was made in qualitative terms also brought comfort to some. Have Francophones who resist assimilation succeeded in developing more resolve? Have Anglophones who have decided to remain in Quebec developed a stronger group identity? One thing is certain: no matter where they are in Canada, the minority communities are very much alive — in some cases vibrantly so — and their determination in the face of adversity is often remarkable. Their participation in clubs and associations is more vigorous than a decade ago and their organizational network more diversified.

Francophone minorities

National Francophone associations took on considerable challenges in 1989. Foremost among them, the Fédération des francophones hors Québec invited some 150 participants from all provinces and territories to a conference in June to think about the issues of the day. The FFHQ held the event just after expressing profound disappointment on behalf of its members at the position against recognition of the minorities' right to manage their schools taken by the Government of Quebec before the Supreme Court in the Mahé case. The purpose of the conference was to assess the impact of the Canadian linguistic blueprint, arising from the work of the B and B Commission, on the status of the minorities and to develop new directions. The participants' conclusion was that, even together and despite their scope, the two major aspects of that blueprint — institutional bilingualism in the federal government and its courts and the various forms of federal support for the minorities (broadcasting, support for community organizations, shared funding for official languages instruction, support for the provision of essential services by the provinces in the language of the minority and so on) — are not enough to stop assimilation. How, the members asked themselves, could they ensure the vitality of their communities?

At the end of the conference, Guy Matte, elected to a two-year term as president at that time, told journalists that the French language outside Quebec must become useful in important aspects of day-to-day life for young and old alike. The new orientation within the FFHQ was obvious from the headline in *Le Droit* the following day: "From bilingualism to linguistic duality." Following the example of the French-language school systems, the FFHQ now wants to see other "protected institutional zones" created, particularly in vital areas such as health and social and community services. The vast social project for the year 2000 which the FFHQ intends to develop by the summer of 1991 is to determine the place of Francophones outside Quebec within the Canadian French-speaking community and to define their role in the Canada of tomorrow.

At the same time the Fédération continued its work on a number of fronts: constitutional affairs, in which it appears increasingly in favour of the Meech Lake

Accord, consultation on regulations under the Official Languages Act, broadcasting and illiteracy, to mention only a few.

As for the other national associations, we wish to report the success of the Fédération culturelle des Canadiens-français in developing and bringing about the first achievements under a general cultural development policy for Francophones outside Quebec since the "Visa pour la culture" seminar in June 1988. On the strength of its major accomplishments in community radio, the Fédération des jeunes Canadiens-français (FJCF), increasingly concerned about poor French-language post-secondary educational opportunities for young people and about the consequences of this situation, has begun extensive research on the subject. Its report will be made public early in 1990. In the Spring the FJCF also kicked off its "Vision d'avenir" project, a vast research and consultation exercise which will culminate in the proposal of concrete measures to stop assimilation among young people, precisely where a strong effort is required.

English-speaking Quebecers

Nineteen eighty-nine was certainly like no other year for the Quebec English-speaking community. No one had been left indifferent by three major events that occurred at the end of 1988: the Supreme Court of Canada decision on the language of commercial signs, the subsequent adoption of Bill 178 and the December 30 fire which destroyed Alliance Quebec offices in Montreal. Anglophones were angered and dismayed by the use of the notwithstanding clause and public gatherings were organized across the province in January and February by Alliance Quebec as well as by the Committee for Anglophone Social Action, the Outaouais Alliance, the Chateauguay Valley English-Speaking People's Association, the Townshippers Association and the Voice of English Quebec.

Determined to express their concerns about a range of issues facing their community, Alliance Quebec members also met in Quebec City on April 4 for a "lobby day". Members on both sides of the National Assembly gave the 150 members a polite if not always sympathetic hearing. The Commissioner, for his part, was able to learn the views of Alliance Quebec members at first hand when he attended their annual convention in May. At the end of the summer the Alliance asked its members to consider third party options or, as a last resort, spoiling their ballots in the upcoming provincial election.

Alliance Quebec supported a group of citizens who, together with the Town of Rosemere, took the Office de la langue française to court in September to contest its decision to revoke the municipality's bilingual status. The Alliance argued that if the Office can rescind this status it may have the authority to jeopardize the status of other municipalities, health and social service institutions and educational facilities providing services to the English-speaking community.

During 1989 Alliance Quebec actively pursued its defence and promotion of a bilingual Canada with vital official language minority communities being the

central component of this vision. It used the debate over the Meech Lake Accord as an occasion to articulate its concerns about the protection of individual and minority rights, addressing, for example, the New Brunswick legislative committee examining the Accord. In June it also intervened in the Mahé case before the Supreme Court of Canada because of the vital importance to minorities of controlling and managing their schools. The Alliance, together with the regional member associations, also urged the Treasury Board's Official Languages Secretariat, as part of its consultation prior to the tabling of appropriate regulations pursuant to the new Official Languages Act, to give a broad and generous definition to "significant demand" as well as the "nature of the office".

October saw the selection of Robert Keaton as the new President of the Alliance. He succeeded Royal Orr, who left the presidency in March to pursue a career in broadcasting. (Peter Blaikie, the Alliance's Chairman at the time, had served as principal spokesperson in the interim.) It was also in October that the Alliance moved into a new head office in downtown Montreal, a symbol of the completion of a rebuilding process that had taken a good part of the year. Volunteers, with the assistance of an able staff headed by newly appointed Executive Director Marie-André Bastien, are clearly ready to face the challenges of the 1990s.

Other concerns of the English-speaking community in Quebec are discussed in more detail in the following chapter.

Canadian Parents for French

A long-standing defender of linguistic duality and the rights of Francophones outside Quebec to receive instruction in their language, CPF continued to co-operate with associations of Francophones outside Quebec in pursuing common objectives. For example, the Ontario chapter made an effort to counter disinformation regarding the French Language Services Act by producing a special issue of their bulletin on the topic, sending letters to the editors of various newspapers and taking part in debates and open-line radio programs. The CPF's Festival national d'art oratoire continues to interest both young Francophones and Anglophone students learning French. Lastly, the "Rendez-vous Canada" project is designed to bring together students from both linguistic communities to attune them to the vitality of the French language in their community.

The Commissioner's Work

To learn what Canadians have to say, to show his support for minorities and to continue promoting a better understanding of language reform, the Commissioner, as usual, travelled extensively during the year in the various regions of the country. He spent considerable time explaining the new Official Languages Act, in particular its provisions concerning minorities, and examining and discussing the problems of each community during his meetings with federal managers,

premiers, ministers, representatives of minority groups, parents' associations, school trustees and university and other teachers, as well as editorialists and other media representatives. In this way, the Commissioner also provided support for the invaluable work accomplished by his regional staff and part time liaison officers. A more complete account of the activities of the Commissioner and his Office appears in Appendix A.

2. Province-by-Province Review: Up Hill and Down Dale

As in past years, this chapter provides a brief province-by-province overview of the year's major legal, educational, institutional and community issues. Commentary on recent case law in language rights is also provided in Part I, Chapter 2.

The West

There are 180,000 Francophones in the four western provinces and the two territories. These communities represent from 5% to 1.6% of the population in the West and have experienced high rates of assimilation. However, with the participation of these communities, increasingly an infrastructure of institutions is developing which is designed to halt and even reverse this trend. The school system is undoubtedly the most crucial factor in the preservation and enhancement of the Francophone presence in the West. The extremely slow but steady progress of recent years continued in 1989, although the results vary substantially from jurisdiction to jurisdiction.

In **Manitoba** a meeting between Premier Filmon and the Société franco-manitobaine (SFM) in January resulted in the reactivation of a joint committee of the Government and the Francophone community. The SFM raised the issues of community management and control of Francophone schools, the provision of French-language services and the Meech Lake Accord, which in its view should include the obligation of the provinces to promote their official language minority. In November the Government tabled in the legislature its long-awaited French-language services policy. The policy covers services in French from Crown corporations and health and social services and promotes the active offer of service from about 150 offices in designated areas. It also covers all forms, general information documents and correspondence in those areas where the French-speaking population is concentrated. It is an important step and was well received, both generally and by the SFM. It should, however, be noted that this new policy is not enshrined in law and could be reversed.

Manitoba's Department of Education has inaugurated a distance education pilot project. The project uses advanced communication technology to teach courses in French in four Manitoba schools. If successful, this technique could greatly increase the choice of courses offered in French in smaller schools. Since many of the Francophone communities in the West are in rural areas, this type of technology is potentially very significant. Francophones in Manitoba continue to await anxiously the decision of the Manitoba Court of Appeal in the Section 23 reference case which involves the issue of control and management of minority language schools.

The continuing cultural contribution of the Francophone community will be enhanced by the decision of the federal and provincial governments to allocate $1 million for the renovation of the Centre culturel franco-manitobain. The funds will permit the centre to make full use of its facilities in its cultural activities and to make it wheelchair accessible.

Another significant initiative this year was the launching of a fund-raising campaign to finance the creation of a community radio station in Manitoba. Community radio stations have become an increasingly significant way to reinforce the identity and ensure the vitality of relatively small communities. The new station, CKXL, is expected to receive CRTC approval in 1990. This new radio station will add to the growing number of French-language broadcasts available in Manitoba, which now include TV5 and Télé-métropole, both of which were available east of the Red River for the first time this summer.

This year was also marked by progress and controversy in the area of municipal services. Among the positive developments was the founding convention of the Association of Bilingual Municipalities. As well, Winnipeg announced that bilingual services will be a priority in 1990. The city's executive committee also unanimously passed a resolution requesting the representatives of the city and the province's Department of Urban Affairs to re-evaluate linguistic services under Part III of the City of Winnipeg Act. The Act currently calls for services to be available in both English and French to residents of St. Boniface and St. Vital. A debate in city council over the question of bilingual parking meters has been referred to the city's lawyers.

A unilingual English order in council to form the Aboriginal Justice Inquiry created what could be an important precedent when it was declared invalid by the Manitoba Court of Appeal. The court held that documents which affect the public, even those of an administrative nature, must be available in both languages. The decision is based on a 1985 ruling by the Supreme Court of Canada (the Bilodeau case) which declared the Manitoba Act, 1870, which established legislative bilingualism in the province, to be still in effect. The decision could oblige the province to translate all orders in council. Also of note in the legal field was the foundation of the Association des juristes d'expression française du Manitoba, an association of French-speaking lawyers. (See Part I, Chapter 2.)

Much of what occurred in 1989 in **Saskatchewan**, after the disappointment of last year's Language Act, is in large part attributable to the spirit of federal-provincial co-operation that followed the signing of a Canada-Saskatchewan framework agreement last year. Perhaps the most significant progress was in the follow-up to the framework agreement's commitment to Fransaskois control and management of their own schools.

After months of consultation, which resulted in a remarkable degree of consensus, the report of the Gallant committee recommended the establishment of Francophone school boards integrated into the existing school system. The report proposes the election of trustees from the minority community to administer the French-language schools and recommends that the transfer of schools begin as early as 1990. At the end of August, in what must be regarded as a breakthrough in the West, Saskatchewan's Minister of Education said he would introduce legislation which would give Francophones control of their own schools. The new French-language system is eventually expected to include the 1,200 students currently attending 13 French-language schools as well as other students eligible to attend under Section 23 of the Charter.

These new developments make all the more timely the creation in April of the Bureau de la gestion scolaire. The bureau, which is to co-ordinate the efforts of the Association culturelle franco-canadienne de la Saskatchewan (ACFC) and the Commission des écoles fransaskoises, has already begun operation. Its mandate is to inform the minority community on the status of education rights, to consult on education needs and to facilitate the creation of French-language school boards. The bureau is yet another sign of the community's keen interest in participating fully in the process.

Implementation of the framework agreement's other commitments unfortunately did not all go as smoothly as the school question. Fransaskois leaders attributed the slow pace of implementation of the commitment to provide French-language services in part on lack of adequate consultation with the community. Another element of the agreement which is not proceeding according to schedule is the translation of 45 key statutes. The process bogged down when a firm hired to develop an advanced computer translation system capable of translating laws proved unequal to the task. The agreement also provided for a French-Language Co-ordination and Translation Office to be established by the Government. A co-ordinator has been hired to set up this office.

There were also differences of opinion between the University of Regina and ACFC over what the Canada-Saskatchewan agreement meant the role of the Languages Institute to be, and its relationship to the university. The Francophone community envisaged the creation of a French-language post-secondary institution with considerable autonomy and community input and feels the university has used the new funds to enhance existing facilities without fully taking into

account the spirit of the agreement. Thus far the two parties have not been able to see eye to eye on the question. In January 1989 the university proceeded to establish an interim board to oversee the creation of the Institute.

A special meeting to discuss the process of planning and co-ordination made necessary by the last year's framework agreement was organized by the Fransaskois associations. The resolutions adopted at the meeting emphasized the need for communities to be able to undertake their own development planning. A committee, Opération planification et concertation of the Service de la planification des fransaskois, was formed to allow greater community participation. Meetings were held in 28 communities and heard from over 1,000 Fransaskois. These meetings led to the identification of a number of priorities for community development, including education, culture, politics, economy, communications, sports and leisure.

One key area which is only now being addressed is that of illiteracy. With the help of a three-year $200,000 grant from the Secretary of State, the Fransaskois adult education service launched Alpha, a pilot literacy project, the goal being to teach Francophone adults to read and write in their mother tongue. The project is the first of its kind in the West. Other good news on the education front included the decision of the Catholic School Board of Prince Albert to expand the French language program at École Valois to include grades 10, 11 and 12, as recommended by the school's parents.

Saskatchewan also hosted the Canada Games in the past year. If the games reflected our nation's linguistic duality it was not by accident but as the result of hard work and careful planning. Making the games a success in both languages required the co-ordinated efforts of 350 bilingual volunteers, the organizing committee, Secretary of State, Treasury Board Secretariat, Fitness and Amateur Sport and this Office.

The Commissioner of Official Languages visited both Edmonton and Victoria in the autumn of this year and discussed current problems with minority associations, provincial authorities and multicultural and other groups. In **Alberta** the struggle of Franco-Albertan parents to expand access to French language schools under Section 23 of the Canadian Charter reached the Supreme Court of Canada. The case of the Association-Georges-et-Julia-Bugnet is the first time the Court has been asked to decide on the full scope of the education rights given to official language minorities in the 1982 constitutional amendments and its decision will likely affect the interpretation of these rights throughout Canada.

Alberta's Minister of Education announced in July that the province would not be able to keep its promise to spend $1 million on French-language education programs. The additional funds had been announced in December 1988 in the context of the Department of Education's new language policy. Francophone

parents were angered by the decision and asked what impact this would have on the implementation of minority language education rights. Even before the cuts, the Association canadienne française de l'Alberta (ACFA) had expressed serious reservations about the adequacy of the language education policy, noting that it failed to establish a precise province-wide definition of the "where numbers warrant" provision of minority language schooling.

The Desjarlais report on minority language education was made public in October at a joint press conference of ACFA and the Fédération des parents francophones de l'Alberta. The report confirmed the urgency felt by the community regarding full implementation of minority education rights. It notes that only a small portion of students eligible under the mother tongue criteria of Section 23(1)(a) of the Charter are currently receiving French-language schooling. Noting the remedial intent of the section, the report suggests that given the desire of many parents to send their children to French-language schools, when these are available, the "where numbers warrant" clause should not be as big an obstacle as some suggest.

In September the Edmonton Catholic School Board opened a new French-language elementary school, École Notre-Dame, in the west end of Edmonton. In St. Paul voters rejected the creation of new school districts in a February referendum. The new school districts created by the minister would have facilitated the creation of a French-language school. The results were disappointing to the Société des parents pour l'éducation française, which has been seeking the creation of a French school in the area. St. Paul currently has only a French-language program. Parents are now waiting for the results of a study which the two school boards involved have asked the Department to prepare. On a brighter note, Alberta Education has approved the creation of a French-language preschool in St. Paul.

In April ACFA presented a community development plan to the Secretary of State, Gerry Weiner. The plan deals with the issues of community infrastructure such as education, communications and youth, among others. ACFA hoped this document would serve as a reference point in discussions between the Secretary of State and Alberta on a framework agreement regarding the Franco-Albertan community. The province has remained silent for several months now concerning the draft agreement.

Francophones in **British Columbia**, frustrated with what they see as the failure of the Government to fully recognize and implement the rights guaranteed under Section 23 of the Charter, have decided to seek a court remedy. In March lawyers for the Association des parents du programme cadre de français (APPCF) tabled the documents beginning the court challenge. The Association noted that this type of legal procedure seems to be the only way open to a minority to ensure that constitutional rights are respected.

The court challenge is only one element of a series of activities being undertaken by APPCF and the Fédération franco-colombienne (FFC). These activities are known collectively as Opération loi scolaire. Opération loi scolaire has three main objectives: sensitizing parents and the minority community to educational issues, identifying problems with the current education system and suggesting reforms to the government, and initiating a court challenge under Section 23. Following the adoption of the new School Act in British Columbia, APPCF was invited to sit on the Education Advisory Council, but declined in light of the court challenge.

With the help of four different governments — Canada, British Columbia, Quebec and Vancouver — Vancouver's 25,000 Francophones have purchased a building to house their new community centre, the Maison de la Francophonie. The centre, which was two and a half years in the planning, will serve as the focal point for numerous social and cultural activities. The project is the result of intensive involvement by the many Francophone volunteers who form the Société Maison de la Francophonie.

The FFC highlighted three major priorities during its annual convention in February 1989: better access to French-language services, improvements in the quality and availability of French-language education, and community development and greater availability of French-language cultural products throughout British Columbia. The FFC has also begun to prepare the ground with a view towards encouraging an eventual framework agreement between the federal and provincial governments. In May 1989 the FFC officially launched its Répertoire culturel, a cultural directory which highlights the presence of French-speaking artists and writers in the region.

In response to a series of resolutions adopted at the annual convention of the ruling Social Credit Party which called for English as the sole official language of British Columbia, FFC President Marie Bourgeois addressed an open letter to Premier Vander Zalm. It said, "During these past few years, we had been much impressed by your understanding of the problems faced by the Francophone minority in British Columbia and by your seeming willingness to contribute to its promotion and development....We therefore hope and expect that any resolution contradicting our common efforts towards the development of the Francophone community will not be accepted by your government."

In the **Yukon** the new president of the Association des Franco-Yukonais (AFY) has identified the creation of a "centre scolaire communautaire" as a priority. The concept of this type of institution is that it unites the principle institutions of the community, whether social, cultural or educational, in one location to provide the community with a distinctively Francophone space.

The territorial government has begun to explain to the population the nature of its linguistic plans under the 1988 Languages Act. Though the Act is not yet in

effect, consultations concerning its implementation in 1991 have already begun. The first of these was held in February. The 620 members of the French-speaking community in the Yukon should soon be able to receive government services in their language where there is a significant demand. However, AFY has pointed out that since members of their community are unaccustomed to being served in French in territorial government offices it may take some time to establish the real level of demand. They also note that it is insufficient simply to place a sticker or sign indicating that services are available in French. These services must be actively offered to the public.

At the federal level AFY initiated the first ever interdepartmental-community consultation meeting in October. This provided an opportunity for federal departments to discuss their official language service delivery plans and for AFY to profile its community and specify which French-language federal services were most important to community vitality.

In the **Northwest Territories** the Fédération Franco-TéNOise (FFT) has produced a successful guide to French-language services, both private and governmental, in the Territories. During the year the FFT concentrated on three major priorities: French-language education, follow-up to the Perreault report (a community-needs analysis) and preparations for the implementation of the Northwest Territories' Official Languages Act. It also engaged in the distribution of cultural materials and continued to lobby for improved service from Radio-Canada. The first Francophone Cultural Community Centre was opened in October in Iqualuit, just in time to host the FFT's 10th anniversary celebration.

Following a request from the FFT and concerned parents, and with the help of a grant from the Secretary of State, Francophone parents in Yellowknife will now be able to send their children to French-language kindergarten and grades 1 and 2. Older children will have to wait a little longer before they too can receive an education in their mother tongue.

The FFT has requested that the government adopt regulations under its Official Languages Act based on the proposed regulations which the federal Treasury Board is expected to submit shortly under the 1988 federal Official Languages Act. The Francophone community has also formulated a series of recommendations as to which areas should receive priority attention in the extension of French-language services. They include education, health services, communications and government information. In addition, the FFT would like to be consulted and involved in the provision of services to its community.

The Francophone community in the Northwest Territories, and particularly in Yellowknife, continues to protest the absence of an adequate CBC French-language service. The impasse between the CBC and the community organizations over the Cousins proposal continues. This proposal asked the community to

pay for an antenna and its upkeep in order to receive French-language television service. The Corporation maintains that otherwise it can not afford to provide the service. Currently only those communities which have accepted the CBC's proposal to buy the equipment necessary to receive Radio-Canada's signal have access to the CBC's French-language service. In December the FFT submitted a request asking the Secretary of State to fund the community portion of the Cousins proposal.

In anticipation of the 1990 Arctic winter games, which will be held in Yellowknife next March, an agreement has been signed by the organizing committee and the federal government to ensure that both official languages are used at the games.

Ontario

"Whereas the French language is an historic and honoured language in Ontario ...and whereas in Ontario the French language is recognized as an official language in the courts and in education...a person has the right in accordance with this Act to communicate in French...." Thus does the French Language Services Act (Bill 8) define the status of the French language in Ontario and the linguistic rights of 500,000 Franco-Ontarians. The Act, which was adopted by the Legislative Assembly in 1986 and took effect on November 19, 1989, states that a person has the right to use English or French in the debates and other proceedings of the Legislative Assembly and the right to receive services in French from the head offices of institutions of the Ontario government and their offices in 22 designated areas. These areas include metropolitan Toronto, Ottawa-Carleton and a number of regions in northern, eastern and southwestern Ontario.

Implementation of Bill 8

Three years ago the provincial government launched an ambitious program to meet the requirements of this Act. A French Language Services Commission was appointed to advise the Government and assist, along with the Office of Francophone Affairs, in implementing Bill 8. Signage at the legislature was made bilingual and simultaneous interpretation of proceedings was introduced. In addition, government publications, forms and public documents were translated and most ministries prepared plans to implement the Act. Some 5,000 of the 87,000 provincial Public Service positions were designated for the delivery of French-language services and hundreds of employees were able to enrol in language training programs. While the Government clearly committed itself to providing its services in French, it also guaranteed that no public servant would lose his or her job because of any possible linguistic designation. Lastly, an advertising campaign was launched to encourage Francophones to use these new services in French and to inform public servants of the objectives of the Act.

A language reform of this scope was not accomplished without problems. Some said that the Government was promoting French at the expense of English, that

the program was too costly and that unilingual Anglophones were being placed at a disadvantage in terms of access to positions in the Public Service. Responding to these criticisms, the new Minister of Francophone Affairs, Charles Beer, a bilingual Anglophone, stated: "There will always be some people who want only English, [but most] Canadians agree that the country needs services in both official languages." [Our translation.] A Gallup poll published in September supported this view. Fifty-three per cent of Ontario residents answered in the affirmative when asked, "Do you think that this province should have two official languages — English and French — so that government services are provided in both languages?" This relatively positive trend in Anglophone public opinion in the province may be partly attributable to the generally favourable editorials on official languages that have appeared in most of the major dailies, and to the active intervention of Ontario's political leaders, both on the Government side and on that of the official opposition. The mayors and aldermen of a number of large municipalities have also shown their support for bilingualism. It should be noted that, during the year, the Commissioner of Official Languages echoed the sentiments of defenders of language reform in stating that Bill 8 represented "a great achievement" that will enable Franco-Ontarians to participate "more fully in every aspect of the life of the province." Moreover, representatives of the Francophone community asked that the number of exemptions or delays in implementing the Act be kept to the strict minimum. One such exemption was approved by Cabinet on September 27 for signs on provincial highways through greater Toronto, Mississauga and Hamilton (for approximately 67 kilometres). These signs will generally remain unilingual English until 1991. In all, the Government has approved two exemptions and 10 delays in implementation of the Act.

Education

In addition to services in French, the Francophone community, through the Conseil de l'Éducation franco-ontarienne and the Association canadienne-française de l'Ontario (ACFO), asked the Government to create a comprehensive system of Francophone educational facilities from day care to the university level. There is a shortage of post-secondary institutions, and the proportion of Francophones who attend institutions of higher education is lower than that of other Ontario residents. Moreover, although there has been an increase in enrolments in French programs offered by the faculties of education at the University of Ottawa and Laurentian University, there is still a shortage of French-speaking teachers. There is also a lack of French-language courses and programs in the province in the disciplines of pure, applied and health sciences.

Some minority spokespersons are therefore calling for a French-language university. However, the community is far from unanimous on this point and discussions are continuing. The University of Ottawa, which takes pride in its long tradition of being French and bilingual, has no lack of defenders. This year it provided some 131 academic programs in French and was examining the possibility of increasing its offerings. Some 5,000, or 40%, of its full-time students

were Francophone. In addition, hundreds of Francophone students were pursuing their education in French at Laurentian University, Saint Paul University and Glendon College. The Government established the first Francophone college of applied arts and technology, the "Cité collégiale". The chairman of its board of directors, Maurice Lapointe, announced that it planned to accept more than 2,000 students at its campuses in Ottawa-Carleton, Hawkesbury and Cornwall in September 1990.

The members of the Conseil scolaire de langue française d'Ottawa-Carleton were elected in November 1988 and the board began its first year of operation in 1989. Its unique administrative structure includes both a public sector managed by eight members and a Catholic sector that reports to 14 members. A plenary council consisting of all board members administers joint services. The new board, which replaces the former "joint" boards (Anglophone and Francophone) in the region, took over the administration of 43 primary and nine secondary schools with 1,077 teachers and 18,156 pupils. In addition, the Conseil scolaire public de langue française de Toronto was formed this year and other regions with large Francophone populations were awaiting a decision from the Minister of Education concerning their French-language school boards. We learned early in January 1990 that the leaders of six Franco-Ontarian organizations have announced their intention to take the Ontario Government to court to ensure respect for the educational rights of Francophones under Section 23 of the Canadian Charter of Rights and Freedoms. They noted the Government's inaction, the need to establish Francophone school boards in places other than Ottawa and Toronto and the urgency of amending the Education Act to grant the French sections of joint Anglophone and Francophone school boards greater freedom of action. Pointing out that the Government is responding to the concerns of Francophones, the Minister of Education, Sean Conway, stated that all the priorities of Francophone groups would have to be examined further and that no new Francophone school board would be created at present.

However, certain school boards responsible for mixed English and French clienteles experienced problems this year. As a result of a decision of the Lakehead (public) Board of Education to send its Francophone students to a school in a neighbouring district rather than offer its own classes in French, 17 students will have to travel 400 kilometres each week by bus to continue their education in French in 1990. In another case, the Supreme Court of Ontario obliged the Sault Ste. Marie (public) Board of Education to offer instruction in French to 53 French-speaking pupils. This year, when the students of two English schools of the Prescott-Russell Separate School Board were not invited to take part in sports events sponsored by some of the 26 French-language schools of the Board, their parents complained. The Chairman of the French section of the Board, Gilles Myner, categorically denied that there had been discrimination against Anglophone pupils, but, in the face of a storm of protest from Anglophones, he agreed to send a directive to French school principals to ensure that

English-speaking pupils would be invited to future sports activities. Lastly, a Franco-Ontarian literacy resource centre opened this year in Sudbury. The Centre's director, Yolande Clément, emphasized the importance of its program by pointing out that approximately 30% of Franco-Ontarians have not completed grade 8.

Municipalities

The major event this year at the municipal level was the creation of an Association d'expression française des municipalités de l'Ontario. The sponsor of the new organization, Gisèle Lalonde, the mayor of Vanier, stated that the approximately 70 communities with large Francophone populations felt the need to call attention to their "uniqueness" and to tackle such problems as the provision of services in both languages. The French Language Services Act imposes no specific obligations on municipalities with regard to French services, but Section 16 of the Act states that a municipality serving a French-speaking population "may pass a by-law providing that...municipal services to the public shall be made available in both languages." Grants are available to municipalities for language training for members of council and employees, for the translation and publication in bilingual format of public documents, the establishment of a simultaneous interpretation service for council and public meetings and for bilingual road signs. Over 30 municipalities have received such grants.

The language question has certainly given rise to discussion in a number of municipal councils. In Ottawa three aldermen sought unsuccessfully to abolish the advisory committee on official languages and to restrict services in French. The councils in Orillia, Englehart and Pembroke adopted resolutions specifically exempting their respective municipalities from having to comply with Bill 8. Finally, the little municipality of Zorra declared itself officially unilingual English. To allay concerns expressed by certain Anglophone mayors and aldermen, Premier Peterson once again emphasized the optional nature of Bill 8 provisions on the delivery of municipal services in English and French.

Health and social services

As Bill 8 was being officially implemented, the provincial government, in cooperation with health and social services professionals, proposed a series of positive measures: additional assistance to young Franco-Ontarians who wish to make a career in this field, better communications with the Francophone community, language training for professionals, and the translation of forms and other documents. In addition, Notre-Dame Hospital in Hearst and Montfort Hospital in Ottawa were among the first 48 institutions to be designated under Bill 8 as facilities offering service to the public in both languages, and a large medical and social centre offering services in French opened in Toronto. In addition, a new Association d'intervenants francophones de la santé et des services sociaux et communautaires was established to oversee implementation of Bill 8 and ACFO conducted a study of French-language day-care services. In December the federal and provincial governments announced new initiatives to promote official languages and thereby bring several projects to fruition. These include

creation of residences for Francophone senior citizens, establishment of a Youth Job Co-op program and a study on small French-language businesses and economic development.

Gaétan Gervais of the Institut franco-ontarien observed, in *Language and Society* (Summer 1989, p. S-41), that "the strengthening of cultural life...will be the crucial element in the future of the Franco-Ontarian community." Fortunately, this strengthening is under way. The Franco-Ontarian Office of the Ontario Arts Council is playing a prominent role in promoting French culture in the province. The French network of TVOntario obtained new equipment in 1989 to enable it to reach a larger number of Francophone homes in northern and eastern parts of the province. This network, in co-operation with Radio-Québec and other Francophone companies, was able to offer Ontario's French-speaking population more diversified programming this year, including its first television serial, a broadcast on various well-known Franco-Ontarians and new children's programs. In addition, as a result of a CRTC decision, cable subscribers in the Ottawa area gained access to the French-language international (TV5) network and viewers of "Ontario 30", which is broadcast in this area, were pleased to learn on November 9 that this popular program on the Ontario network of Radio-Canada would not be cancelled as had been announced a week earlier. Furthermore, Ottawa's Festival franco-ontarien, held in June, was once again an enormous success and attracted more than 600,000 persons to its events. Lastly, Franco-Ontarian author Jean-Marc Dalpé received the Governor General's Award for his play, *Le Chien*. In short, despite the community's concerns about the relatively high (but, according to the 1986 census, decreasing) rate of language transfer, the official languages situation definitely seems brighter as a result of a greater number of services and institutions.

Quebec

Although part of the larger English-speaking society which forms a majority in Canada and North America, Quebec's 680,000 citizens whose mother tongue is English represent only 10.4% of the province's population; some 800,000 Quebecers (12.3%) speak English most often in the home. The relations between the two principal language communities in Quebec are complicated by the fact that the 5.4 million Francophones are well aware that they live on a largely English-speaking continent and have felt the need to promote the French language and culture. "Quite properly, Francophones in this province have begun to think and act as a majority and we, with varying degrees of good grace, have become reconciled to being a minority in Quebec." Peter Blaikie, former chairman of Alliance Quebec, spoke these words in May and they describe the changing relationships of the English- and French-speaking communities in the province.

This year the promotion of the French language in Quebec was omnipresent in exchanges between the two communities. In fact it was this requirement which

the Quebec government invoked to justify the use of the notwithstanding clause of the Canadian Charter of Rights and Freedoms and the introduction of Bill 178 respecting the language of signage in the province. This issue, which was treated in detail in our 1988 Annual Report, continued this year to disturb English-speaking Quebecers and relations between the two language communities.

Bill 178 was adopted by the National Assembly in December 1988. It specified that "public signs and posters and commercial advertising, outside or intended for the public outside, shall be solely in French...notwithstanding the provision...of the Constitution Act, 1982." The Bill also provided for interior signage with "marked predominance" of French as allowed by the Supreme Court of Canada's judgment and indicated that other languages could be used according to certain specifications. Regulations in this connection would be forthcoming.

Following the adoption of Bill 178 there was an immediate and emotional outburst from the Anglophone community. Alliance Quebec declared that it was a dark day for Quebec when the Government failed to respect the fundamental rights to free expression guaranteed by the Quebec and Canadian Charters. A few Francophones who doubted the need for outdoors exclusion of other languages protested as well. For example, Benoit Lauzière of *Le Devoir* suggested that "French should be present everywhere, but not at the cost of censuring the free speech that would stop others from having their say." [Our translation.] Three of the four English-speaking ministers resigned over the signage issue on December 20, 1988. One of the three, Environment Minister Clifford Lincoln, in his speech of resignation in the National Assembly, said, "My language is not a blight on society. Why humiliate me?" [Our translation.] On January 8 close to 2,000 people gathered at Westmount's Victoria Hall and large protest rallies were also held in West Island communities, the Eastern Townships, the Gaspé Peninsula and indeed in most English-speaking communities across the province. The minority regional associations including the Townshippers, Gaspé's Committee for Anglophone Social Action, the Chateauguay Valley English-speaking People's Association, the Voice of English Quebec (City) and the Outaouais Alliance all joined in the struggle against Bill 178. In a press release the Commissioner of Official Languages, while recognizing the vulnerability of French in the North American context, regretted that the Quebec government had felt the need to invoke the notwithstanding clause in order to protect the cultural security of Francophone Quebec. He expressed the wish and hope that the Bill be changed. The situation was rendered even more tense by the disastrous December 1988 fire at Alliance Quebec headquarters, long police investigations of the arson and unfounded allegations concerning the then president of the Association, Royal Orr. These were widely deplored and condemned by community leaders in Quebec, and by the Commissioner and Prime Minister Mulroney.

Bill 178

The Government continued to defend Bill 178 as a compromise course which maintained the essence of the provisions of the Charter of the French Language

but, out of respect for the cultural communities, allowed for some indoor use of other languages. Claude Ryan, then Minister of Education and later also Minister Responsible for the Charter of the French Language, stated that "the attachment of Francophone Quebecers to Bill 101 is so strong....the Government and the National Assembly took into account the manifest popular will....at this stage of its evolution the Quebec population holds very strongly to the maintenance of its French visage which is still fragile and dangerously threatened...." On May 3 the Government published the regulations foreseen by Bill 178. They defined what was meant by the French language being clearly predominant with respect to interior signs: that the French lettering on signs must be twice as large as the lettering in other languages or that the French signs must be twice as numerous as the others.

Anglophone leaders condemned these rules as "ridiculous" and "monstrous" and many Francophones also criticized them as being difficult to apply. As the year progressed the passions raised with respect to Bill 178 appeared to subside somewhat but not necessarily the opposition to it. Most merchants appeared to be prepared to comply, albeit grudgingly, with the new law but some businessmen in Montreal and west Quebec announced their intention to defy it.

There was criticism of Bill 178 from many Francophones who feared that it represented a dismantling of the Charter of the French Language. The English-speaking communities' protests were met with even larger protests from the majority community. On March 12 more than 50,000 people, led by the Mouvement Québec Français (MQF), marched through the streets of Montreal in a demonstration against the federal Official Languages Act and what they considered the dismantling of the Charter of the French Language. The Mouvement's manifesto proclaimed that "the path of rebilingualization, which Quebec is once again taking, leads in the end only to our slow and sorry disappearance as a people." [Our translation.]

The debate about the possible disappearance of the Francophone community was launched in earnest by the MQF and by a controversial film and television program called "Disparaître", broadcast by Radio-Canada on February 12 and chaired by Lise Payette, well known media personality and former Parti Québécois cabinet minister. "Old-stock" Francophone Quebecers were warned that, because of a falling birth rate, immigration of non-Francophone peoples and assimilation to Anglophone communities, traditional families, such as the Tremblays, could disappear. Several demographers published studies outlining disturbing trends for Quebec's Francophones, for example the very low birth rate (1.4 births per woman of child-bearing age when a 2.1 rate is required for mere replacement) and the relatively small numbers of Francophone immigrants. However, other researchers, such as Réjean Lachapelle, a demographer with Statistics Canada, observed more encouraging signs, such as the increase in the number of Quebecers able to speak French. With this trend, and also a recent

slight increase in the birth rate, it was possible to ask whether one might not expect a more pluralistic, but still predominantly French-speaking, Quebec in the future.

The election

The discontent of the English-speaking community quickly made itself felt when in August Premier Bourassa announced the provincial election. Several of his Anglophone colleagues in the Liberal Party refused to run again for election and Alliance Quebec advised its members to vote for independent candidates, third parties, or as a last resort to spoil their ballots rather than support the Liberals or the Parti Québécois. Two new, largely Anglophone parties were set up, the Equality Party in Montreal and the Unity Party in several other locations. The goals of these parties were to defend the rights of English-speaking Quebecers, among other things to change the signage legislation, and they argued that the Anglophones had not been adequately represented by the Liberal Party. In response, Premier Bourassa and members of his party replied that they were promoting English-language health and social services and French second-language programs which were important to the minority community.

When the ballots were counted on September 25, four candidates of the Equality Party were elected in predominantly English-speaking areas of the Island of Montreal. Moreover, Equality and Unity Party candidates had taken many votes from the Liberals in other areas across the province. However, the Liberals retained a large majority in the National Assembly and had received a substantial proportion of Anglophone votes. Revamping his cabinet following the election, the Premier appointed two new Anglophones to his government: Sam Elkas as Minister of Transport and Public Security and Robert Middlemiss as Minister Delegate for Agriculture, Fisheries and Food. Mr. Bourassa interpreted his government's re-election as a signal that his language policies had won approval and that the economic strength of Quebec was the first priority of Quebecers.

Although the voters had returned the federalist Liberals rather than the Parti Québécois, which was committed to Quebec independence (with about 40% of the vote), the Premier nevertheless expressed the view that the federalist option could only be made secure if the Meech Lake Accord were duly ratified by all involved. In commenting the election, *Le Devoir*'s editor-in-chief, Paul-André Comeau, went further and wrote, "From now on, no one will be able to offer excuses for failing to ratify the Meech Lake Accord. In this regard, the election results put an end to the illusions of those who still believed yesterday that there had been a permanent softening of Quebec's position after the 1980 referendum." [Our translation.] On the other hand, many Anglophones and the leaders of Alliance Quebec continued to express reservations about the Accord and to suggest that it should pass only with amendments. Robert Keaton, the new president of Alliance Quebec, proposed that "our politicians sit down, and negotiate an agreement which is respectful of Quebec's five main points [conditions for signing the Constitution Act of 1982], including the recognition of Quebec's

distinctiveness...but the fundamental and legal rights contained in the Charter of Rights and Freedoms must be given greater protection."

Education

In 1989, as throughout the 1980s, both Anglophone and Francophone school systems faced social changes. In the Francophone system the numbers of school children have remained fairly constant at approximately 1,000,000 for the past few years but the enrolment of students of non-Francophone origins has been increasing dramatically. For instance, some reports predicted that non-Francophone children in the schools of the Commission des écoles catholiques de Montréal could represent half of the total by 1990. Consequently, there have been problems of social adaptation for both teachers and students alike. If the difficulties of the French schools are due to growing diversity, the problems of the English sector are related to the fact that the number of children in English schools continues to decline, sinking to about 100,000, compared to 128,000 five years ago and no less than a quarter of a million in 1970. The adjustments to cope with this were not easy. School closures were frequent and painful, with students and teachers sent elsewhere, sometimes a considerable distance. As one Anglophone school commissioner, Joan Rothman, pleaded, "If you close grade 1 at [Westmount's] Roslyn School, where does a grade 1 student with English eligibility from Westmount or central Montreal go to school? The answer is to Verdun, Côte-des-Neiges north of Queen Mary, Hampstead or Town of Mount Royal. That is not an acceptable answer...." Nevertheless, before the end of 1989 the Protestant School Board of Greater Montreal (PSBGM) served notice that it was terminating the English stream at Roslyn School[1], while across Quebec several other English schools closed, including Mount Royal Academy, William Hingston High School, Barclay School, Bedford Elementary and Matapedia Elementary. An increasing number of children whose mother tongue is English, approximately 18,000, were attending French schools because parents wanted their children to be fluent in French and felt that an English school could not guarantee them such fluency.

School closures and longer bus rides for some children were not the only difficulty caused by the contraction of the minority's education sector. Sharing of facilities with the majority community has often taken place out of necessity, but these arrangements were occasionally tense because of the different needs of the two groups. For instance, the quarrel that broke out in 1987 between the Anglophone and Francophone Catholic communities of Brossard for control of the Good Shepherd School continued for yet another year. This matter has been dealt with in our last two Annual Reports. In 1989 the dispute, still unresolved at year's end, was marked by lawn signs, pickets in front of school board offices, and children sometimes kept home in protest.

---

[1] Before going to press, we learned that the English stream in Roslyn School would be maintained for another year.

The growth of certain French-language school systems and decline of the English ones also posed the problem of governance. In the Catholic boards Anglophones are generally only a very small minority and they may have no English-speaking commissioner to represent them. In the Protestant boards the French schools are burgeoning and there are inevitable tensions over the division of resources. For instance, in the PSBGM (where the French sector has grown in the space of two decades from almost nothing to an organization with 11,000 students) Francophone parents were demanding a separate French administrative sector and complaining about overcrowded facilities not equal to those of the well-established English system. In order in part to meet these problems the National Assembly finally adopted in December 1988 a new Education Act. Bill 107 had been long in the making. One purpose of this legislation, which was supported by Alliance Quebec, was to set up separate English- and French-language school boards in place of the traditional ones that were linguistically mixed and based on religious denominations. However, the new Act reserves autonomy for local school authorities in the teaching of religion. The Government planned to delay implementation of the provisions of the Act regarding the English and French school boards and asked the Quebec Court of Appeal to verify their constitutionality in a reference case.

In 1989 debate continued over the underfunding of the province's three English-language universities. Throughout the year representatives of McGill, Concordia and Bishop's all complained of insufficient funds from the Government. On October 16 Principal David Johnston of McGill asserted that despite its administrative efficiency his university has a large deficit and has been underfunded by the Ministry of Higher Education for at least nine years. Noting that three of the four seriously underfunded institutions were English, he went on to ask whether this was because of language and whether the Government would have allowed French institutions to remain relatively underfunded for so long. The Minister of Higher Education, Claude Ryan, responded by saying that Principal Johnston should not have raised the language issue in connection with university funding and argued that French institutions had special needs to enable the French-speaking community to catch up with the Anglophones in university education. He also pointed to a recently announced appropriation of $60 million for Quebec's universities, of which about $16 million (28%) would be allocated to McGill.

There was some good news in the college sector for the English-speaking community: Heritage College in Hull was able to celebrate its 20th year of English instruction and its second year of autonomous existence with plans for major expansion thanks to a government capital grant of $6.8 million. As well, Quebec was making additional funding available for Bishop's University, Champlain College and other institutions.

This year Education Minister Ryan targeted as priorities the improvement of English and French language programs in Quebec schools. (See Part V.) In

particular, efforts were made to accelerate the process of putting out English-language versions of new programs of study and teaching guides. Additional resources were appropriated for English and French second-language programs for schools and adult education courses. Alliance Quebec welcomed these initiatives, stressing that better French second-language programs were a priority in order to allow young and not-so-young English-speaking citizens to find a place in the labour force of the province. The Association hosted a special seminar on teaching French as a second language.

Health and social services

The minority community's constant calls for better health and social services in English under Bill 142, passed in 1986, elicited a further positive response this year. On May 24 federal Secretary of State Gerry Weiner and Quebec junior minister for Health and Social Services, Louise Robic, signed a Canada-Quebec Agreement on access to health and social services for Anglophones. Under the terms of the agreement, which is to last for five years, the federal government will contribute $550,000 in 1989-90 to cover half of certain costs of administering services in English in the province.

During the year all 11 regional health and social service councils in the province submitted plans for implementation of Bill 142 and these plans were approved and going into effect by the end of the year. Fifty-five institutions on the Island of Montreal and some 150 others in Mainland locations, including hospitals, social agencies and community clinics, were identified as centres for providing English-language services. But some Anglophone leaders were not satisfied that the plans represented reality. Former Townshippers Association President Mary Mitchell said that English services in her region were still insufficient and that when a person is sick "the last thing you need is a language barrier." For its part, the *Gazette* pointed out that "Access plans...are not the same as actual services" and noted that some health and social services institutions are so short of funds that they have difficulty offering adequate services in French, their principal language; they may be quite unable to serve people in English as well."

Moreover, a white paper released by the Health and Social Services Department in April raised new fears in the minority community, since it proposed to replace existing management boards of individual health and social service institutions, some of which are largely Anglophone, with regional and sectoral boards that would by necessity be controlled by the majority community. The draft bill, based on this white paper, presented to the National Assembly before year's end contained a clause allowing for modified boundaries of the regional management boards, where warranted, because of the "linguistic and sociocultural characteristics" of a local community. It reaffirmed the right of English-speaking persons to receive health and social services in their first language, resources permitting. Nevertheless, members of the minority community continued to express reservations concerning the bill.

In 1989 Alliance Quebec, the Townshippers and other minority associations continued to press both the federal and Quebec governments to improve the representation of English-speaking people in their offices across the province. It was reported that 3.9% of Quebec public servants were from the province's cultural communities, but that less than 1% were Anglophones. On the other hand, 5.5% of employees of federal departments in Quebec (excluding the National Capital Region) were English-speaking. (See Part II.) By contrast, Anglophones were adequately represented in the offices of federal Crown corporations in Quebec, representing 24.8% of all staff according to the last estimates, which date from 1987.

The matter of the Town of Rosemere's bilingual status was argued before the Quebec Superior Court this year, but no decision was available at year's end. The reader may recall that Rosemere was originally considered bilingual by virtue of Section 113(f) of the Charter of the French Language because it had possessed a population that was 50% non-Francophone. However, when its Anglophone population fell in 1986 the Office de la langue française revoked bilingual status. Under Section 113(f) institutions, including health and education ones, are entitled to use a language other than French in their internal communications and include it on their signage alongside French. A number of other Quebec municipalities whose English-speaking population may also fall below 50% were anxiously watching the outcome.

The language situation of the cinema in the province continued to cause concern for French speakers as the proportion of French films shown this year fell from 43% to 34%. On the other hand, revenues from commercial films shown in French increased substantially. An acrimonious debate began this summer when a number of films were shown only in English at Montreal's Festival des films du monde. The festival's president and vice-president, Serge Losique and Danièle Cauchard, replied to their critics that 110 of the 250 feature films were either in French or had French sub-titles or were dubbed in French, about the same number as the previous year; that was more French films than at the Cannes Festival. Anglophones feared that as a result of this controversy the Government might reimpose the short-lived regulations proposed in 1988 by then Cultural Affairs Minister Lise Bacon to limit the distribution of new English films until French versions were available. At year's end the matter was still under review. Hearings before the Canadian Radio-Television and Telecommunications Commission in Montreal in November also centred on the issue of language targets for English and French. The Association du disque et de l'industrie du spectacle québécois recommended that French-language radio stations be required to devote 65% of their "song" time to French-language music and it was also suggested that English-language stations increase their offerings of French pieces beyond the current 5%.

During a visit to Quebec City in October the Commissioner welcomed the opportunity to discuss informally with the Premier and two of his ministers several of

the issues mentioned in this section; they appeared to be well aware of the concerns of the English-speaking Quebec communities. Another issue reviewed briefly in the course of these conversations was that of language services in the National Capital Region. During the year the Commissioner also addressed a number of French-speaking groups in Quebec and was guest speaker at the annual meeting of Alliance Quebec and at Heritage College's 20th anniversary.

Minority associations

Alliance Quebec and its fellow associations had a full year. Despite the trauma of its devastating fire and the related inquiries, a theft, and the absence of a president for part of the year, the Alliance emerged with renewed credibility. Its annual convention in May brought together over 500 delegates and guests and the participants in the debates, included Secretary of State Gerry Weiner, Quebec cabinet ministers Louise Robic and John Ciaccia, and Quebec Opposition Leader Jacques Parizeau. The exchanges focused on the choices that lie ahead for the minority community. The Commissioner of Official Languages also attended the whole annual meeting and addressed the convention, stating that "the continued vitality of the English-speaking community [in Quebec] will depend...on assistance for those unable to function in French and increased individual bilingualism within the community as well as greater financial and organization support for community groups and institutions." The Townshippers Association also held a successful annual convention; several thousand people gathered on September 16 in Lennoxville to celebrate the 10th anniversary of the organization. Finally, two new minority associations were established in 1989: the Coasters from the Lower North Shore of the Saint Lawrence River and the Students' Chapter from several campuses.

The Atlantic Provinces

The past year was a difficult but in some ways rewarding one for the 300,000 Francophones in the Atlantic provinces. New Brunswick Francophones were pleased with Premier Frank McKenna's announcement of his intention to proceed with plans to entrench Bill 88, which recognizes the equality of the two language communities, in the Canadian Constitution and those in the southeast of the province could applaud the election of the first Acadian mayor of Moncton, Léopold Belliveau. On the other hand, the rise of a new political party opposed to official bilingualism complicated the language debate. In Prince Edward Island the Department of Education announced reforms to enable Francophones to manage their own schools. In Sydney, Nova Scotia, school officials followed up on a decision of the Court of Appeal by establishing separate French classes and in Newfoundland the first French school opened.

The language debate

Twenty years after promulgation of **New Brunswick**'s Official Languages Act, the Hon. Louis Robichaud, its original sponsor, returned to its defence. "It's an enormous achievement and, to my mind, shows a rare generosity of spirit,

especially considering the background of racial and linguistic tensions that are endemic among us," he commented. [Our translation]. Our Office celebrated this anniversary by publishing a special report in *Language and Society* which was reprinted in *L'Acadie Nouvelle* in Caraquet, and in the *Telegraph-Journal* and the *Evening Times-Globe* in Saint John. Meanwhile, the founding in September of a new political party, the Confederation of Regions (CoR), was a subject of concern for many Acadians. The Party's constitution advocates the establishment of English as the province's only official language. Its leaders accuse the provincial and federal governments of discrimination in favour of Francophones. While Acadians generally refrained from dealing with CoR representatives because of the latter's "extremist" positions, they acknowledged that it was necessary to defend their own position. For example, when a CoR leader referred to the dream of a unilingual English New Brunswick and Canada, *L'Acadie Nouvelle* replied in an editorial that Anglophones and Francophones could live in peace together by observing a social contract that fully recognizes the rights of each group.

Meanwhile, a simple traffic offence gave rise to a sharp language debate. The case involved a Mr. Joseph Gautreau, who received a ticket from a policeman who could not serve him in French. Mr. Justice Richard of the Court of Queen's Bench dismissed the case, citing Section 20(2) of the Canadian Charter of Rights and Freedoms, which states that "any member of the public in New Brunswick has the right to communicate with, and to receive available services from, any office of an institution of the legislature or government of New Brunswick in English or French." (See Part I, Chapter 2.) This was an important decision for the Francophone minority, which saw in it, at last, the statement of a clear obligation on the part of police forces to serve its members in French. At year's end the Attorney General, James Lockyer, stated that he would appeal this decision. In response to protests from Acadians, he emphasized that the reasons for the appeal were "procedural" rather than linguistic.

Government policy

The provincial government, following its 1988 policy statements, announced measures to advance its official languages program and to promote dialogue and better mutual understanding between Anglophones and Francophones but we have yet to see results. These measures included:

- gradual implementation of the official languages policy and a communications program that includes a videotape to provide information to public servants and the general public;

- greater priority to second-language instruction (in both English and French) in New Brunswick schools and exchange programs between Anglophone and Francophone pupils;

- a conference on official languages that could provide advice to the Government and promote dialogue between the two language communities;

- a program to twin Anglophone and Francophone municipalities;
- a strengthened Cabinet committee responsible for official languages.

Reacting to concerns of some unilingual Anglophones about the impact of the new policy on the public service, the co-chairperson of the Cabinet committee on Official Languages, Hubert Seamans, issued a reassuring statement: "Rather than trying to meet service needs by designating individual positions, we are using a 'team approach' to provide service in both languages. We believe it is both fair and flexible....I know some people are saying that government jobs will be lost because of this policy. But that's just not true. I want to restate our commitment that no civil servant will lose employment, or level of employment, as a result of this policy."

Francophone participation

A number of Acadians criticized the Government for low Francophone participation in some sectors of the provincial Public Service. Although overall Francophone participation in the Public Service is roughly equitable (it stands at 32.7%, while Francophones constitute approximately 33.5% of the province's population), Francophones are under-represented in several employment categories, particularly among managers and technicians. Francophones are also few in number in some departments such as Transport and the Office of the Comptroller General and in most offices located in the capital. We note in passing that Francophones occupy 2,237 positions (30.7%) in the federal Public Service in New Brunswick. This represents significant progress but not a perfect balance.

The media

This year's budget cuts at the CBC were roundly criticized, given the Corporation's contribution to the advancement of Francophones in New Brunswick. It is feared that budgetary restrictions will reduce local programming. On a more positive note, the CRTC approved the opening of three new community radio stations, in Edmundston, Grand Falls/Grand-Sault and St. Quentin. Francophones were pleased once again to have a provincial French-language daily (*L'Évangéline* in Moncton had to shut down operations in 1982). Thanks to a special fund set up by the federal and provincial governments, *L'Acadie Nouvelle*, which for five years had been published in Caraquet as a regional daily, was able to increase its press run this year and expand its distribution across the province. Then-president of the Société des Acadiens et Acadiennes du Nouveau-Brunswick (SAANB), Michel Doucet, stated that it was an historic moment and that *L'Acadie Nouvelle* met a pressing need within the Francophone community.

The University of Moncton

The University of Moncton, which has satellite campuses in Edmundston and Shippegan, is undoubtedly a driving force of Acadian culture. It has approximately 7,000 full-time students to whom its many faculties and departments offer a wide range of study programs, ranging from forestry to philosophy. In 25 years of existence, it has provided first-rate intellectual leadership to the

Acadian community. As its facilities and reputation continue to grow, it is planning to establish, in 1990, the first international institute for common law studies in the French language.

Municipal affairs

The citizens of Moncton celebrated the election in 1989 of Léopold Belliveau as mayor. In addition, representatives of a new group, the Association francophone des municipalités du Nouveau-Brunswick, elected its first board of directors in Beresford. The Association, which represents 19 French-speaking and bilingual municipalities, wishes to be recognized by the Provincial Municipal Council. In all, we estimate that approximately 10 of the 21 towns and 40 of the 88 villages — those where Francophones represent more than 50% of the population — offer bilingual services. However, the language of deliberations in the municipal councils is still usually English, except when all the councillors are Francophones. At year's end, as a result of an innovative proposal by Premier Frank McKenna, a number of Anglophone and Francophone municipalities were twinned. Explaining his formula for linguistic promotion and mutual understanding, the Premier said: "I see New Brunswick as a province where our two linguistic communities can develop side by side in mutual respect and harmony, a province where our two communities can retain their distinctive character while working together...." [Our translation.] This is a wish to which all people of good will can subscribe.

On October 27 the Secretary of State, Gerry Weiner, and New Brunswick's Minister of Intergovernmental Affairs, Aldéa Landry, signed a series of agreements on the delivery of bilingual educational and government services. In November Premier McKenna announced a new policy for legal and administrative tribunals designed to improve their level of bilingualism. Acadian spokespersons also emphasized the importance of providing social and health services in French throughout the province, both in local clinics and in major centres such as the Saint John Regional Hospital. The provincial government agreed to offer all New Brunswickers health services in the official language of their choice and the Regional Hospital identified 125 of its 2,000 positions for the purpose of delivering service in French.

Finally, at the annual meeting of the SAANB held in Bathurst in June, 200 delegates voted in favor of a resolution to entrench Bill 88 in the Canadian Constitution. At the end of the year the Association gave its support to a provincial petition calling for greater respect for the French language in all spheres of provincial life.

In **Nova Scotia** there was an important court decision this year concerning education. "It is my opinion that 'looked at objectively', 50 children of qualified parents, as the applicants are, living in this territorial area is a sufficient number to warrant the provision to them of minority language instruction, out of public funds." This was the unanimous decision of the Nova Scotia Court of Appeal,

written by Chief Justice Clarke, in a case that pitted a committee of Francophone parents against the provincial government. This decision, which reversed a ruling of the Nova Scotia Supreme Court, obliged school officials in Sydney to offer a program in French. Accordingly, 46 Francophone children from kindergarten to grade 9 were able to enter French-language classes at Cornwallis School in Sydney. (See Part I, Chapter 2).

Collège de l'Acadie

Following the 1988 announcement of plans to found the Collège de l'Acadie, an advisory committee chaired by Réal Samson was formed to oversee its establishment. The committee held a series of consultations in Acadian areas. The future college will have six learning centres in the province linked by a distance education system. Courses will begin on a trial basis in 1990.

Broadcasting

Two Acadians were appointed to the provincial government in 1989. Guy LeBlanc was named Minister of Community Services and Minister responsible for Acadian Affairs and Neil LeBlanc was made Solicitor General, Provincial Secretary, Minister responsible for Youth and Minister in charge of the Regulations Act. At a CRTC hearing Guy LeBlanc called for more regional radio and television production and emphasized the importance of French-language news for Francophone communities outside Quebec. While congratulating the CBC for "Bonjour Atlantique", spokesmen for the community also stressed the need for more local French-language programming. The CRTC granted a licence to Radio-Clare, a community radio station that will begin broadcasting to Francophones in southwest Nova Scotia in April 1990.

Government services

Mr. Justice Gerald B. Freeman of the Shelburne County Court handed down a decision in favour of Daniel Saulnier, a fisherman who had not been informed in French of changes made to catch quotas. The judge stated that "Failure to recognize the importance of the French language to the affected people of the area goes beyond mere official insensitivity on the part of the Department of Fisheries; it is an infringement of a Charter right."

Associations

Following a 1988 survey of the Acadian population the Fédération acadienne de la Nouvelle-Écosse launched a project to promote French in Acadian areas and opened an office in Sydney. Its Director, Paul Comeau, stated that "the community needs to show the provincial government that it wants to present a French image and claim services in French." [Our translation.] In addition, the Fédération des festivals acadiens de la Nouvelle-Écosse formed an interim committee to prepare for the establishment next year of an Acadian cultural council. Lastly, the Fédération des parents acadiens de la Nouvelle-Écosse celebrated its fifth anniversary. The Fédération is proud of its achievements, which include symposiums and training sessions for parents, public-speaking competitions and summer camps for students and home and school associations.

In **Prince Edward Island** progress in minority schooling and in other community areas produced some optimism this year. "It is never too late to do the right

thing, and it seems that the provincial government is now willing to do something...." [Our translation.] Such was the assessment of one Acadian commentator one year after the decision of the Prince Edward Island Supreme Court on the educational rights of Francophones. After considering possible reforms, the Department of Education made public a working document on an educational system apparently based on the concept of a "dual school map" including independent boards for each language group. The provincial government intends to make changes to its school regulations to enable Francophones to manage their own schools.

Education

The provincial government, which has for some years been co-operating with the other Atlantic provinces in education and linguistic matters, concluded an agreement with Quebec. It provides for exchanges of students, teachers and public servants and for a permanent commission to facilitate co-operation between the two provinces. In addition, the Minister of Education, Paul Connolly, signed a five-year agreement with the Secretary of State, Gerry Weiner, on first- and second-language instruction in French. Plans for the construction of a school and community centre in Charlottetown are well under way and the interim board of directors in charge of the project announced that the centre will be called "Le Carrefour de l'Isle-St-Jean". A site and calls for tenders are expected soon.

During CRTC hearings into the renewal of CBC licences, Island Francophones expressed their dissatisfaction with the lack of local French-language programming. There are no CBC studios on the Island and all programming originates in Moncton. Meanwhile, the Société Saint-Thomas d'Aquin, which celebrated its 70th anniversary, is examining the possibility of establishing a community radio station.

Broadcasting and government services in French

Minority representatives called for better services in French from local federal managers, and a directory was prepared giving telephone numbers of offices that provide service in French. The provincial government adopted a language policy that, in the words of Premier Ghiz, "is designed to increase the provincial government's capacity to enable Francophones to communicate with it in both languages...[and] to promote the development of Acadian culture." [Our translation.] The federal government's decision to close the military base at Summerside was of concern to many local residents. Since 1,300 persons in areas with a high concentration of Acadians are threatened with loss of jobs, some are even speaking of a "second dispersion".

In **Newfoundland** there was a school crisis in the capital. "It is urgent that our children be educated as soon as possible in their mother tongue, for assimilation to English is gaining ground daily. This is the tragedy that must be addressed." [Our translation.] These were the words of the chairman of the Comité des parents pour une éducation en français de Saint-Jean, Michel Clair, defending his cause in a September appearance before the Newfoundland Supreme Court. The

parents in St. John's are calling for French-language classes for their children under Section 23 of the Charter. Thus far the school board and province have turned a deaf ear. In their view, the number of children (17) does not justify such classes. The parents pointed out that Francophone communities in the western part of the province and in Labrador already have French-language classes. They also noted that a recent report by the Institut canadien d'éducation des adultes describes a serious illiteracy problem among the province's Francophones and that this situation could be related to the lack of French schools. We learned, on going to press, that the Comité des parents had agreed to postpone the case until April 1990 and that additional meetings are being held with the Department of Education.

While the linguistic climate was variable this year in St. John's, it was more benign in western Newfoundland. In Mainland, on February 7, the province's first French school, École Sainte-Anne, opened its doors to 64 students from nursery school to grade 4. The school is also used as a community centre.

The Fédération des francophones de Terre-Neuve et du Labrador had a busy year. Working with local groups, its first target was education. It also participated in community radio projects in Labrador and St. John's and in other community development projects.

Business people from the Port au Port area this year explored the possibility of creating a park "at the end of the Cape". A study showed that the potential of the tourist industry could be further developed and that the region has a rich and unique cultural heritage and an extraordinary natural environment. Meanwhile, Francophones in Mainland and Cape St. George have for some years been calling for a road to link these two communities on the peninsula. Finally, the mayor of Cape St. George stated, following meetings with provincial representatives, that his municipality would soon enjoy town status. Cape St. George could thus become the first town in the province to have a Francophone majority.

PART V

Second-Language Instruction

1. Outlook: Growth Has Its Problems

This chapter is about young people. The Canada that our children will inherit will differ in many ways from the one in which we grew up, and it is through our schools that they will learn to live in the Canada of the 21st century. Being exposed to the world of computers is opening up for many students the chance to communicate in a new way, a way that will enrich their working lives and their recreation. Just as important for thousands of schoolchildren is exposure to their second official language. Second-language learning is giving the next generation of Canadians the chance to communicate as colleagues and as friends, regardless of their first official language. In this chapter we cover the year's developments in second-language teaching, first in a broad general discussion, and then province by province. Minority language education (English schools for Anglophones in Quebec and French ones for Francophones outside Quebec) is discussed in Part IV.

Enrolments

The number of English-speaking students studying French at elementary and secondary schools continues to climb. Almost two million students who attended English public schools in 1989-90 were enrolled in regular French classes or immersion programs. That represents a jump of 20% since 1977-78. In 1989-90 there were an estimated 256,370 students in immersion programs, up 7% from the year before. Meanwhile, in Quebec, where the study of English is compulsory in French schools from grade 4 to the end of high school, an estimated 586,850 French-speaking students were enrolled in these programs in 1989-90. Table D1 on page 256 gives detailed second-language enrolment figures for all provinces.

Quality of second-language instruction

Canadian educators continue to give every sign of agreeing with the federal government's commitment — expressed in the 1988 Official Languages Act — to enhance opportunities for all to learn both English and French. They understand that it is not enough merely to offer a large number of programs, but that these

programs must be of excellent quality. We are happy to note this year that many provinces are continuing to study the overall structure of their second-language programs through ministerial policy committees and curriculum reviews.

In New Brunswick, for instance, Premier McKenna formally reaffirmed his commitment to bilingualism in the summer of 1989, while the Department of Education issued a pair of reports on second-language instruction. New Brunswick is also the site of an exciting new self-directed audio-visual learning project, discussed in the Regional Roundup. Quebec is holding public consultations to improve both English and French second-language teaching. In Ontario immersion curriculum materials and policy guidelines are being drafted, while Saskatchewan is revamping its entire curriculum. These events are discussed in more detail in the Regional Roundup.

This year the Department of the Secretary of State negotiated five-year agreements with all the provinces and territories under the guidelines of the protocol on minority language education and second-language instruction signed by the federal government and the Council of Ministers of Education, Canada. The budget for the Official Languages in Education program for the five-year period covered by the agreements (1988-89 to 1992-93) is $1.225 billion. In 1988-89, $79 million was allocated to assist provinces in paying for the additional costs of second-language instruction.

National Core French Study

The results of the National Core French Study, an important project that has been in progress for some years, were reported at the annual conference of the Canadian Association of Second Language Teachers in May 1989. The study, funded by the Secretary of State, will have a broad effect on core French — what most people think of as the standard elementary or secondary French class — all over the country. Its importance rests on the fact that it is the only long-term intensive and nation-wide examination of core French in Canada. A large number of participants working all across the country have developed experimental teaching material, bibliographies and other resources that have only begun to be put to use.

Central to the 92 conclusions of the study is the idea that core French programs must consist of four components: language, communication, culture and general language education. Efforts are underway to train teachers to put this multi-dimensional curriculum into practice and provincial ministries and publishing houses are examining the study's program model for use in curriculum materials production. The objective of this new core program is for students to be able to communicate in their second language by the end of high school. The conditions necessary for meeting this objective are outlined in the study: the teacher must be fluent in French and be trained in the latest methodology for the

communicative approach and more time must be given to the study of the second language (40 minutes a day from grades 4 to 12).

French immersion

French immersion has certainly come of age. As some provinces see their first immersion graduates leaving high school this year, the program is taking a permanent and well-deserved place in the education system. Immersion generally starts at one of three entry points: kindergarten or grade 1 (early immersion), grade 4 (middle immersion) and grade 6 or 7 (late immersion). Naturally, now that immersion has become established, school boards in many parts of the country are reviewing their programs to see whether they are meeting the needs of students in the best possible way.

McGill University held a conference at Estérel, Quebec, this May on "Bilingualism, Multiculturalism and Second-Language Learning". Immersion and its benefits were among the subjects discussed and researchers re-emphasized the fact that no one starting point can be singled out as "the best" for all children. Furthermore, they reminded participants, no one should expect native fluency from an immersion graduate — but the program will produce high levels of skill and confidence that can be built on if the student wishes in later life to live in a largely Francophone milieu.

A particular concern of parents and educators is that there has been a tendency for students to drop out of immersion programs as they enter high school. A representative of the Ottawa Board of Education cautions that a "critical mass" of students is needed in order to provide a good choice of courses to students and that some compulsory courses should be available in French.

A study in the Carleton, Ontario, board found that 50-75% of immersion students there drop out of immersion (but not out of their studies) during high school. Sometimes this is because of a wish to follow friends to a new school or to achieve the highest possible grades in anticipation of university entry; others believe that their grasp of French will not be eroded through lack of use. It is partly for this reason that Canadian Parents for French (CPF) began its "Rendez-vous" events a few years ago. Designed to re-inspire the interest of students at this precarious stage of their studies, "Rendez-vous" is a student conference that brings young people together in a series of involving activities in French — producing a newsletter for the event, songwriting or play acting. Soon, funds permitting, "Rendez-vous" events may be as regular and as widespread as CPF's annual French public-speaking competition, the Festival national d'art oratoire, which now involves 55,000 students each year. "Rendez-vous" highlights of 1989 included paired events in Cape Breton and St. Joseph, New Brunswick, as well as in east and west Quebec. British Columbia, Alberta and Manitoba, the three provinces that have not yet hosted a "Rendez-vous", are planning to hold

them in 1990 if funding can be found. Each of these western "Rendez-vous" events is expected to involve students from the Northwest Territories and the Yukon as well.

Supplementary activities

Although there is no recent study to confirm it, teachers, parents and students agree that exchanges, French camps and similar activities add immeasurably to the value of in-class instruction. Another heartwarming innovation — on a smaller scale than "Rendez-vous" — comes from a teacher in Quebec's successful intensive English program. He has developed a pen-pal program with his grade 6 English students and a group of Anglophone senior citizens. Children are twinned with the seniors and all come together for a celebration at the end of the course. Apparently the richness of the experience goes far beyond the linguistic benefits, which are, nonetheless, significant.

The Department of the Secretary of State continues to offer its valuable Official-Languages Monitor and Summer Language Bursary programs, and SEVEC (the Society for Educational Visits and Exchanges in Canada) is still one of the most important resources for students who wish to participate in an exchange. In some provinces, particularly New Brunswick and Quebec, *intra*-provincial exchange is being considered more often. It's not necessary for young French-speaking Quebecers to travel to Alberta, for instance, to practise their second official language. Student exchanges within one province can be an inexpensive and effective alternative to longer trips.

Finally, Canadian Parents for French is recording some of its successful activities in a documentary video intended as a tool to teach about supplementary activities and to encourage more participation in them. Segments have already been filmed at a family camp in British Columbia, the finals of the Festival national d'art oratoire in Charlottetown and Le camp in Toronto. CPF is also hoping to include scenes from "Rendez-vous" in Saskatchewan and Camp de neige in the Northwest Territories before the final editing. The video is expected to be available in late 1990.

Canadian Parents for French

Canadian Parents for French has done more this year, it should be pointed out, than organize extracurricular activities for students. First and foremost a lobby group that aims to increase and improve French second-language programs, CPF's activities focus on three main areas: immersion education, core French and liaison with and support of groups lobbying for better-quality French first-language education. This Office works closely with CPF, as readers of our Annual Reports and *Language and Society*, our quarterly journal, are certainly aware. Our contacts with the group range from attending and supporting their

conferences and special events to a continuing exchange of information and opinions at the central and regional levels of both organizations. Whenever possible, the Commissioner meets with CPF representatives across the country. One of CPF's most important campaigns this year was "Learning French Matters", a promotion that included advertising on public transit systems across the country. Distinctive red advertisements carried messages from famous Canadian figures such as astronaut Marc Garneau and journalist Mary Lou Finlay about the benefits of learning French. In January 1990 CPF launched its extensively revised publication *So You Want Your Child to Learn French!*, a handbook to help parents make decisions about the best French second-language program for their child. CPF's commendable efforts contribute to a national atmosphere of appreciation of the value of good quality second-language education.

Teacher training

The training of highly skilled teachers is central to the idea of providing quality, not just quantity, in learning opportunities. In the case of language teachers, of course, training has two aspects: teaching methodology and language skills. Canada's demand for second-language teachers is such that we need a wide range of programs all across the country designed not only to train the best possible teachers, but also to keep working teachers informed of new developments in the field and in some cases (as in the adoption of the communicative approach to language teaching) substantially to retrain them.

The Secretary of State and representatives of the provinces and territories included teacher training as an important part of their regular meeting this year to discuss the Official Languages in Education program. The University of Ottawa is proposing a new four-year B.A. in second-language teaching. Apparently other Canadian universities are considering similar programs, which would add to the good work already being done by a number of other universities and colleges across the country.

Among other interesting developments, Prince Edward Island's Department of Education has initiated a peer coaching project for core French teachers, an idea that originated with the National Core French Study. Every junior high school teacher in the province completed a one-day peer coaching session in October. Now, pairs of colleagues will continue to help each other improve their classroom skills by constructively criticizing each other's methods. An evaluation will likely be held after the project has been in place for some time. Saskatchewan has elaborated a flexible professional development program for second-language teachers with both language and methodology skills components. The course includes 30 hours of each, which can be taken in combination as an immersion program or three hours once a week for 10 weeks. One version of the program was carried out in collaboration with Collège Jonquière in Quebec, using the school's language skills program with the Department's

methodology course. About 600 teachers have gone through the program since the summer of 1988.

Teacher shortage

Probably the single most important problem for all French second-language programs (and for French first-language programs as well) is the teacher shortage. Some provinces, like British Columbia, have been feeling the pinch for several years, and now nearly all provinces are experiencing at least some difficulty in ensuring an adequate supply of well-qualified teachers for core and immersion programs. A recent study, *Perspectives on Teacher Supply and Demand in Ontario, 1988-2008*, produced for the Ontario Ministry of Education by Laverne Smith, identified French as one of the most-needed specialties in that province.

One implication of the teacher shortage is a potential reduction in the quality of programs. In the absence of an excellent candidate some schools may have no choice but to hire a less qualified person. Indeed, the Smith report states that in Ontario in 1988, "French was by far the most frequently identified area for which unqualified teachers had been hired." There has been an increase in that province of the use of "letters of permission" (a waiver that allows a teacher to be hired without possession of all the usual requirements) to staff French teaching positions.

Maintaining a good supply of teachers is always tricky; it depends on keeping track of student and teacher data that some school boards are just not equipped to collect. Teachers who are fluent enough in French to teach core, let alone immersion, programs, are in particularly short supply and concentrated in central Canada. Very good communication among schools, boards and departments of education is crucial to assessing the demand; increasing the supply of teachers is even more difficult and certainly must be considered a long-term project.

Computer-assisted instruction and distance education can help alleviate some of the strain on the small pool of human resources. Every province is faced with a different set of circumstances and the severity of the problem ranges from moderate to critical in different parts of the country. The Regional Roundup discusses some provincial efforts to control and solve the shortage. For example, Ontario's faculties of education are increasing enrolments, British Columbia has established a task force to address the problem and Manitoba is using distance education to develop French teachers in the St. Boniface and Swan Valley school divisions. Almost every department of education is actively studying ways to improve recruitment, training and retraining of second-language teachers.

Second-language retention

When students graduate from high school they may want to enter university. And if they have worked hard to learn a second language they will be looking for chances to use and improve their knowledge of that language during their

post-secondary studies. Discussions as to the extent to which universities can and should be expected to respond to this need have been in the air for some years now and have been very actively promoted by successive Commissioners. Although it would be unrealistic to expect more than a few institutions to offer entire programs in both official languages, there is almost endless scope for French clubs, residences and on-campus activities, as well as specialized French courses designed to impart the vocabulary of certain fields of study or certain professions. It is vital not to confuse these initiatives, which are of benefit mainly to bilingual Anglophones, with French post-secondary education for minority Francophones, a most pressing and entirely separate issue.

Various universities have begun to gear their programs to incoming bilingual Anglophones. At the University of Ottawa Anglophone students can take certain introductory courses (such as psychology) in French, together with Francophone students. At the same time they may choose to enrol in a special language course designed to help them pick up the vocabulary of the course they are following. This opportunity is, of course, only available in a bilingual institution like the University of Ottawa. At the University of Guelph a variety of courses are offered in French. These, mostly attended by Anglophones, are arts courses such as art history, social sciences (history and sociology), consumer studies (marketing), hotel and food courses. The University of Regina's Language Training Institute is expected to have a finished building by July 1991. The specific structure and mandate of the Institute are still being discussed. Meanwhile, the university continues to offer a wide range of courses in French open to bilingual Anglophones as well as to Francophones and to develop French second-language teachers.

In this context it is important to mention the research on the mysteries that cause some people to retain a useful working knowledge of their second language and others to lose it. As common sense suggests and scholarship confirms, this is not an easy question to answer. The solution rests on many variables, including the length and quality of the original period of instruction as well as the student's aptitude, motivation and previous exposure to other languages.

There are at least two new pieces of work in this field worth mentioning. The first, carried out by the Ontario Institute for Studies in Education (OISE), followed a group of immersion graduates into university. It found that "almost 60% of those taking courses" were still taking at least a half course in French and over 40% would have liked to take more. Although "comparatively small minorities" believed their speaking and writing abilities to be native-like, "a majority made this claim for listening ability and a near majority for reading ability." The University of Ottawa is continuing to carry out a longitudinal study of immersion students in the Ottawa Board of Education. Two groups were tracked to the university level; both showed high levels of skill and confidence upon entry. The first group (which entered kindergarten in 1971) showed little

loss of second-language proficiency throughout university, regardless of exposure to French. The follow-up of the second group (which entered kindergarten in 1974) is due in 1991.

As we mentioned last year, the Office of the Commissioner of Official Languages commissioned OISE to carry out research on language retention. The report, including an annotated bibliography and summary of the issues, is available from our Office. The literature suggests that students who attain a high level of proficiency manage to maintain these skills for long periods of time with very little practice, while those whose language skills are less advanced tend to lose them over time without constant re-exposure to the second language. Furthermore, different skills deteriorate at different rates; passive skills (reading and listening) tend to be more robust than active skills (writing and speaking). Following upon that project, this Office is proposing to support further research in this field, which would focus on the identification of specific language retention strategies and an outline of community resources that might prove helpful in the area of language retention. This study would complement and amplify previous work in the field and, we hope, provide students with some direct, specific and useful aids in increasing the probability of long-term language retention. We consider this field of study to be of immense importance. It is clearly not sufficient to teach a student enough English or French to pass an exam; we should be teaching with the idea that the knowledge of the language could last a lifetime.

Conclusion

Canada of the 21st century will be a country rich in resources — not only natural resources, but cultural ones as well. We see a more diverse country being created around us, and one in which we may justifiably take pride. As we have done before, we reaffirm our belief that — in the interests of good communication and establishing the common goals and ideals that will help us to work together as a nation — Canada must have citizens who can speak both our official languages. We believe, as do many Canadians, that by teaching young people to use a second official language we will sow the seeds of harmony and understanding for the future — a common ground of language as a unique tool for national dialogue.

* * * *

Last year we made five recommendations which we maintain this year. Responses by the Department of the Secretary of State to these recommendations varied from consideration of policy changes to enunciation of support for particular research, exploration of possibilities for joint federal-provincial research and funding of inter-provincial discussions. We understand the need for planning and we look forward to reporting more progress next year.

2. Regional Roundup: Asking the Right Questions

The second-language education climate varies from province to province and year to year. The following province-by-province "weather report" documents the most interesting new developments across the country.

Newfoundland

The Department of Education is studying the recommendations of the Expanded Core French Working Group. Set up in September 1988 as a follow-up to recommendations of the Policy Advisory Committee on French Programs, the Committee consisted of a provincial representative, a French co-ordinator and two teachers. The recommendations and response are expected to be released early in 1990. Meanwhile the Department is concentrating on developing curriculum guides for early immersion and appropriate materials for French as a second language.

Prince Edward Island

The draft of an elementary education curriculum study has just been completed. Due in 1990, it is expected to recommend the adoption of a standard provincial core curriculum, including compulsory French as a second language. The province now recommends 30 minutes a day for grades 4 to 6, 40 minutes from 7 to 9 and one credit in senior high school. Canadian Parents for French sponsored a "Fun Day Sunday" this year: a one-day event to get pre-schoolers interested in French activities. Teachers and CPF members are also considering setting up workshops for parents of immersion students, who may feel unsure of their role in helping their children with French-language school work and activities, especially if they do not themselves speak French.

Nova Scotia

The Minister of Education accepted in principle the recommendations of the Advisory Committee on the Public School Program last April. The Committee recommended, among other things, the introduction of a compulsory high school

credit in French, saying "a knowledge of French is an asset, and sometimes a requirement, in the working and leisure life of Canadians, and to a growing extent on the national political scene." This will affect students at the senior high school level as of 1995. A new elementary core French guide was launched in January 1989 and immersion guides are being developed. The first official published list of textbooks for immersion was released this year, which means that the province's immersion programs are now standardized. An overall immersion policy is about to be released. The province's first early immersion graduates received their diplomas in Sydney last June and a new provincial camp for 15- to 17-year-olds sponsored by Canadian Parents for French proved so popular that one student sent in an application and a fee in October to guarantee a place for next summer.

New Brunswick

In New Brunswick, always a leader in second-language education, Premier McKenna this year declared his government to be firmly committed to improving English and French teaching in the province, saying that New Brunswick's survival depends on its remaining bilingual. "Younger people are very open-minded on this issue," the Premier said, "and we need to spend a lot of time making sure they understand the nature of New Brunswick." He also stressed the importance of making sure New Brunswick students — both Anglophones and Francophones — can communicate with one another. At the time of his public statement on the subject the Premier also announced the release of a pair of reports, one on French as a second language in the province's English school system and one on English teaching in the French system, published together as "Reports of Study Committees to the Minister of Education on Second-Language Instruction". The first, on English as a second language, was carried out in 1987. Its 12 recommendations range from an evaluation of the language skills of grade 10 students to the evaluation of the program and the purchase of materials. The report also stresses the importance of various kinds of support given to second-language programs by the Department of the Secretary of State, including the Official-Languages Monitor Program and the Summer Language Bursary Program. The report on French as a second language dates from September 1989. It contains 56 recommendations about improvements to French programs across the province, dealing with, among other things, the enrichment of current core and immersion offerings, increased extra-curricular activities, exploration of the possibilities of post-secondary immersion and standard proficiency requirements for teachers. The government responded formally to the reports on November 1. In a statement by the minister, the Department of Education announced that it is developing action plans based on the two reports. Some recommendations will be implemented immediately, others will be implemented in the next year or two and others will be studied further. The teacher shortage is beginning to be felt in New Brunswick. The province produces enough teachers for its own system each year, but many end up working in other provinces.

Meanwhile, the evaluation of the audio-visual self-teaching project in English as a second language mentioned in last year's Report was released this year. The program passed the evaluation with flying colours; among other reported results evaluators found this method offered increased productivity, increased interest and ease of monitoring. In the report "English as a Second-Language, The New Brunswick Project: An Experiment in Staged Self-Directed Language Acquisition" the Department announced its intention to continue to develop the experiment. Some 3,000 children are expected to be involved in this approach to second-language teaching this year.

Quebec

In line with Education Minister Claude Ryan's commitment, on which we reported last year, Quebec's Department of Education has begun a round of consultations with representatives of parents, students, school administrators and teachers in order to develop an action plan to correct specific problems in both the English and French second-language programs. The process they are following is similar to that used to prepare an action plan to improve French first-language teaching that is currently underway.

The study of English as a second language is compulsory in Quebec from grade 4 on. Some school boards had been offering ESL in earlier grades, contrary to the provincial curriculum policy. After the Supreme Court of Canada ruled last year in favour of the Department's right to impose such restrictions, the Minister called upon school boards to stop teaching English as a second language before grade 4. An appeal of the decision by the Quebec Association of Protestant School Boards was rejected by the Supreme Court of Canada in August. (There is a detailed discussion of the court's decision in Part I, Chapter 2). The Quebec government wants to ensure that Francophone students develop a solid base in their first language before they begin the study of a second.

The intensive English second-language program in Quebec is rapidly turning out to be a major success story. The program, in which children in grades 5 or 6 study English intensively for five months differs from immersion in that no subjects other than English are studied during the intensive English component of the program. Variations on the program (having to do with the amount of time devoted to the study of English) are being considered. New research shows what was already suspected: that intensive English students outperform core English students in fluency and other measures, even five years after the course. What is missing now, researchers tell us, is a study to confirm that the five-month break is no detriment to learning in other subjects. The number of schools offering intensive English has increased since last year (when it was offered in 21 boards) and a special interest group, (with its own newsletter, *Info-Intensif*) has been formed to support the program.

Meanwhile a new program for secondary students, known as ESL-LA (English as a Second Language — Language Arts) has begun experimentally. The program, now in 18 school boards and serving 2,186 students, involves more exposure than usual to reading short stories, newspapers and other extended pieces.

The study of French as a second language is compulsory in Quebec at both the elementary and secondary levels. Improving French second-language programs for Anglophones remains a top priority for parents, educators and the Department of Education. A one-day seminar on the subject, "Mastering French: Our Community's Commitment to Tomorrow", was sponsored by Alliance Quebec in October at Montreal's Dawson College to discuss options for instruction and increased funding. The main concerns raised at the meeting were the needs for more study time, more money for teachers and smaller classes. There was agreement among the participants (including the Commissioner's representative for Quebec) that immersion programs are not feasible for everyone and that the Anglophone community should involve itself in the process of improving FSL programs. Meanwhile, Montreal West parents stood in line overnight to register their children in immersion programs. When about a third of the parents did not secure a place for their children the Protestant School Board of Greater Montreal found extra space to accommodate them. Since then a decision has been made to open another immersion school in the neighbourhood.

Ontario

In Ontario enrolments in both immersion and core French continue to increase.

The Ministry of Education has developed a "French for General Purposes" resource document that provides curriculum support materials for teachers of core French in grades 9 to 12.

Following a recommendation in the report of the immersion French needs assessment study "Where Are We Now?", curriculum materials and policy guidelines have been drafted for discussion purposes on French language arts within extended and immersion French programs. A proposal for action for immersion and extended core French programs is also under way. Major policy thrusts are being considered, such as the best time to introduce the study of English and which subjects should be offered at the high school level.

A number of immersion reviews took place this year: the Carleton Board of Education, where about 55% of students entering kindergarten choose immersion programs, carried out a review of the impact of immersion on its regular English program because of stresses which were being experienced in community-based schools. Among other things, the study examined the benefits of different entry points into the immersion program and advocated continued planning to keep a balance between the goals of all the programs. Also, a review in St. Catharines

suggested that immersion should begin in grade 5 rather than 7 and Brant County parents were vocal enough about their support of immersion to persuade the school board to retain the early immersion program instead of introducing a middle immersion program.

Shortages of French second-language teachers (as well as French first-language teachers) continue. The Laverne Smith report "Perspectives on Teacher Supply and Demand in Ontario, 1988-2008", discussed above, states that "it is quite apparent that the single most urgent and critical area of demand for new teachers at this time exists in French programs." In response, faculties of education have increased their enrolments in FSL programs and developed off-site programs that offer a variety of courses during the evening and on Saturdays. York University, for example, is offering FSL programs to retrain and upgrade teacher skills in Hanover, near the Bruce Peninsula. As mentioned in the introduction to this chapter, there has been an increase in the number of FSL teachers needing letters of permission. The different needs of uncertified teachers are being analysed in order to determine how best to help them meet the requirements of their positions. The government feels that if planning continues, it will not have to establish emergency summer pre-service courses.

Meanwhile, a Teacher Education Council has been formed with representation from government, the universities, teachers, school board administrators and trustees to provide advice to the minister of education. High on its agenda is teacher supply and demand, a subset of which is French second-language teachers.

Manitoba

A new curriculum policy for immersion is awaiting ministerial approval as of the time of writing and work on a new generation of immersion curriculum guides has recently begun. A representative of the Department of Education comments that the teacher shortage is becoming serious; never before, he says, has he seen schools still trying to hire staff so late in the year. Distance education is being used to develop French teachers in the St. Boniface and Swan Valley school divisions. The three-year-old program reaches about 20 teachers through teleconferencing and video. A distance education science program targeted for immersion students is also being developed. Meanwhile CPF Manitoba produced a pamphlet, "Beaucoup de plaisir en français", which outlines activities FSL students can participate in, in French, in their province.

Saskatchewan

The Department of Education is revamping its curriculum. High school graduation requirements have changed, causing a problem for immersion students who also wish to take university entry-level mathematics and science courses. The combined requirements exceed the normal course load; therefore an interim

policy has reduced the number of courses required while a solution is sought. Saskatchewan CPF, the originators of Rendez-vous student encounters, is planning a travelling Rendez-vous program that will send Bachelor of Education students from the University of Regina to visit French students in grades 5 and 6. The Saskatchewan Centre for the Performing Arts has also invited CPF to participate in a similar French workshop.

Alberta

The province's second-language curriculum review, mentioned in last year's Report, is in the first draft stage. A proficiency-based curriculum is proposed, which would rest on four principles: progressive levels of performance, interrelationship of function, content and accuracy, the relation of linguistic factors such as grammar to the accuracy of messages conveyed and understood, and the communicative approach. The Department of Education is considering requiring a higher level of language skills from its second-language teachers but it is proceeding slowly so as to avoid imposing unrealistic requirements. New education regulations have been published. These define immersion and give school boards the right to begin immersion programs as well as to determine what proportion of instruction will be in French in grades 1 and 2. From grade 3 on there is a minimum required amount of English language arts instruction. Alberta Education has produced a booklet called "What Every Parent Should Know" to explain the French language arts program to parents of immersion students.

British Columbia

Following last year's Royal Commission report on education, the province is "repackaging" its educational system. Instead of grade levels schools will use an integrated approach based on continuous student progress, beginning in September 1991. A proposal to make French compulsory from grades 4 to 10 has gone out to schools for their reactions; the decision will be made in 1990. British Columbia, where French programs are very popular, has suffered for some time from the teacher shortage. In December, following a spring forum on the shortage, a task force of school district representatives, faculties of education and Department of Education staff was formed to seek solutions to the problem. Canadian Parents for French held a youth conference in May and participated in a week-long children's French festival, called La fête colombienne des enfants, at Crescent Beach. It presented live entertainment, French food and activities to 15,000 children and adults. The event will be repeated next year.

Yukon

Teacher supply is increasingly a difficulty. French is "expanding downwards" through the grades; it is now offered at the grade 1 level in about nine schools.

Northwest Territories

The teacher shortage problem is less severe than in some other areas, mainly because relatively few teachers are required. Draft editions of a new standard core French curriculum were distributed to the schools in October. CPF continues to be active in the Territories, providing important extracurricular French activities to students.

APPENDICES

Office of the Commissioner: Preparing for the Future — Changing and Explaining

This section first surveys the year's highlights and then examines how the Commissioner and his Office have interpreted their mandate as it was broadened by the 1988 Act. The past year was a period of transition between proclamation of the new Official Languages Act in September 1988 and the expected tabling early in 1990 of regulations designed to implement some of its provisions.

In his 1988 Annual Report the Commissioner presented some 60 recommendations in a proposed master plan designed to ensure prompt and effective implementation of the Act. The purpose of these recommendations was to maintain sustained and balanced pressure on the central agencies and federal institutions in order to promote renewal of the federal official languages program; it would have been only too easy for many agencies to let things drift on the pretext that regulations under the new Act were not yet available. It was also necessary to inform all the publics concerned — departments, complainants, the general public, minority and majority groups and young people — of the scope of the new Act, especially against the background, in many regions of the country, of arguments about the national or provincial status of official languages and the Meech Lake Accord. In 1989, then, there was a need to prepare for the future and, above all, not to allow actors on the federal scene to rest on their laurels while, for want of information, members of the public continued to be in the dark about Government's new commitments.

The Commissioner's activities

A host of activities kept the Commissioner and his colleagues busy: internal adaptation to the wishes of Parliament and to the growing number of complaints, appearances by the Commissioner before the Standing Joint Committee on Official Languages, many position statements made in Ottawa and during trips to the regions, the organization of major celebrations to mark the 20th anniversary of Canada's Official Languages Act and to commemorate New Brunswick's Official Languages Act. Then, in the second half of the year, there was active participation

in consultations on forthcoming regulations under the Act, as well as various activities on the international scene.

On two occasions the Commissioner appeared as the principal witness before the Standing Joint Committee, which, due to the vicissitudes of Parliamentary work, for the second year was less active than usual. In the spring he submitted his Annual Report to the Committee and, in the fall, his budget estimates, accompanied by two horizontal studies, one on language of work in federal offices in New Brunswick and the other on the linguistic aspects of major national and international events, as well as various audit reports. He also participated, usually in person but on two occasions through a representative, as an expert witness at sessions of the Committee during appearances of representatives of Statistics Canada, the Fédération des francophones hors Québec, the Department of Transport and the Department of National Defence. These sessions are described in Part I, Chapter 3.

The Commissioner also testified before the Standing Committee on Human Rights and the Status of Disabled Persons to add his voice to those asking that the Court Challenge Program be maintained and, if necessary, expanded. He later appeared before the preparatory committee for the meeting of federal members of the International Association of French-Speaking Parliamentarians. Lastly, he had many contacts with Members of Parliament seeking explanations of the Official Languages Act.

Position statements

It is, of course, in his Annual Report that the Commissioner states his positions on a broad range of issues, but he also takes positions on various other current issues throughout the year. In 1989 he made representations to the Prime Minister and the heads of the central agencies, and gave briefings to senior public servants in Ottawa and the regions advocating implementation of the 1988 Official Languages Act and the master plan referred to above. In an editorial in *Language and Society* he reaffirmed his support for the language provisions of the Meech Lake Accord. He also interpreted the deterioration in the linguistic climate as being, at least in part, a reflection of the progress attributable to adoption of the 1988 Official Languages Act and to similar efforts in certain provinces. The Commissioner reiterated his support for the minorities, notably when the French Language Services Act came into force in Ontario and on the 20th anniversary of New Brunswick's Official Languages Act and also during trips to New Brunswick, Alberta and British Columbia. He participated in the annual meetings of Alliance Quebec (having strongly condemned the arson that occurred last December) and of the Conseil national des parents francophones. During the summer and fall he took part in many consultations on draft Treasury Board regulations governing "significant demand" and the "nature of the office".

Travel and messages

In the provincial capitals the Commissioner held meetings with federal public servants, many premiers and senior officials, various provincial minority associations and representatives of educational and media circles. He also visited several other cities, either to celebrate a special anniversary, as in Sudbury (where there was a bomb threat), or to meet with members of the majority population, as in Kitchener-Waterloo, Windsor and Quebec City.

During his travels in the regions the Commissioner took his message to official language minority and majority groups alike. In Quebec City, for example, he explained the new Act and the Commissioner's role. To the regional branch of the Association canadienne-française de l'Ontario in Windsor he offered a message of hope. In Edmonton his regional representative spoke on his behalf at a colloquium on the future of language rights. Speaking to the Rotary Club in Minto, New Brunswick, he defended the recognition of linguistic duality and what it implies. At the Faculté Saint-Jean of the University of Alberta in Edmonton, as part of its 1989-90 lecture series, the Commissioner discussed the impact of the Official Languages Act and the results that can be expected from it. Also in Edmonton, at the Rond-Point luncheon attended by heads of major provincial minority associations, he discussed the concepts of "significant demand" and "active offer" in light of the 1988 Official Languages Act. In a speech to the Confederation Club of Kitchener-Waterloo the Commissioner stated that certain linguistic tensions do indeed stem from Quebec's Bill 178, which prohibits exterior commercial signage in languages other than French, but even more from a lack of information and sense of perspective concerning the respective status of English-speaking Quebecers and that of Francophone minorities in most other provinces. The federal official languages policy, despite various shortcomings, has been a great success for both language communities. Finally, addressing Laval University alumni in Quebec City, he showed how the federal Official Languages Act had promoted the use of French everywhere in Canada, especially in Ottawa and Quebec.

Other activities

In 1989 the Commissioner gave a number of press conferences and 52 interviews to the press and electronic media. He took part in a study session in Hull on demolinguistic trends and the evolution of Canadian institutions, in a seminar in Ottawa marking the 25th anniversary of the federal language training program and in a December colloquium organized in Kingston by Queen's University and the University of Moncton on the theme of national reconciliation.

The 20th anniversary of the first Official Languages Act afforded the Commissioner an opportunity to invite Members of Parliament to a celebration. The Prime Minister, Liberal and NDP representatives Jean-Robert Gauthier and

Svend Robinson and the Commissioner took the opportunity to reaffirm their strong commitment to Canadian linguistic duality, our official language minorities and promotion of official languages in Canadian society.

The year was also particularly busy on the international scene. In the summer the Commissioner responded to invitations from the Institut royal des relations internationales in Belgium and from the Ministry of Justice in Hungary to visit those countries. He also met with parliamentary delegations and foreign visitors to Ottawa and granted a feature interview to the London-based periodical *Language International*. Finally, the Commissioner took the opportunity offered by the annual meeting of Canadian ombudsmen in Quebec City to submit a proposal, which was accepted, to suggest co-operation between Canadian ombudsmen, the International Ombudsman Institute in Edmonton and certain regions of the world to promote the protection of civil rights.

Structure of the Office

The Commissioner's activities required the full participation of all branches of his Office. The **Policy Branch**, for example, did extensive research to provide legal and other opinions on the new Act and draft regulations as well as on various aspects of official languages policy.

This Branch provides the Commissioner with briefing material for certain meetings of the Standing Joint Committee on Official Languages and prepares notes for his speeches and those of the Deputy Commissioner. It participates actively in preparing a major portion of the Annual Report and its secretariat answers requests for information and explanations. It keeps in constant touch with officials of minority associations and plays a prominent role in the Office's participation in programs and research on minority language education and second-language instruction.

In addition, it closely monitors the work of the Committee on Science and Language, which was created by the Treasury Board to study the use of French and the participation of Francophones in federal scientific and technological activities. The Branch also has a continuing interest in all aspects of multiculturalism. Several articles on this topic appeared in *Language and Society*, in which developments following passage of the Multiculturalism Act were discussed. A study of the attitudes of residents in the National Capital Region toward official languages was also undertaken.

In February the Office co-sponsored with the Department of the Secretary of State a study session on demolinguistic trends and the evolution of Canadian institutions. The Policy Branch worked with Secretary of State representatives to organize this event and to publish its proceedings.

The Office also co-sponsored with the Department of the Secretary of State a number of demolinguistic research projects based on information from the 1986 census. It is hoped that these studies, for which expertise was supplied by Statistics Canada, will make it possible to improve services to minorities and furnish information useful to all those who work with them.

The Policy Branch and the Complaints and Audits Branch were also responsible for carefully monitoring the reception given by the institutions concerned to the master plan included in the 1988 Annual Report.

In 1989 the **Complaints and Audits Branch** continued to adapt its structure and work methods to the requirements of the new Act, which broadened the scope of its activities and its mandate as protector of the language rights of Canadians. To perform its responsibilities more effectively and improve service to complainants, the Branch further decentralized the handling of many complaints to the regions to allow for quicker response. In addition, to increase the effectiveness of the complaint handling process, the Branch initiated the sending of notices of intent to investigate to the deputy heads of federal institutions, in keeping with the provisions of Section 59 of the Act. The number of complaints received increased by 25% during the year, rising from 2,189 in 1988 to 2,743 in 1989.

The court remedy provisions found in Part X of the Act also required a change in the complaint handling procedure. Accordingly, there was a considerable increase in the number of on-site investigations concerned with the provisions of Section 91 of the Act (which states that the language requirements of positions have to be established "objectively"), with fairness, service to the public, language of work and participation.

In addition to the fact that individual complaints now must be settled within a maximum period of six months, many complaints involving repeated violations were consolidated in an effort to find a solution to the causes of such violations, which are often of a systemic nature (implementation policies, procedures or strategies). To this end, studies accompanied by recommendations were completed in 1989. The recommendations, which concerned active offer of service throughout Canada, language training, national and international events and language of work in New Brunswick, are discussed elsewhere in this Report.

By way of "preventive medicine" the Branch conducted 25 audits and follow-ups of 21 institutions, all of which resulted in recommendations for corrective action to ensure respect for the language rights of Canadians. Twelve studies were submitted to the Standing Joint Committee and thereby made public. This new practice, adopted to facilitate access to information, was very well received by the parties concerned. In the same spirit, two consultation meetings were again held in 1989 with official languages directors and managers of some 30 organizations to discuss the rights of the public and the rights and obligations of federal employees.

Pierre de Blois, former Director of the Resource Management Branch, was appointed Director of the **Regional Operations Branch**.

In addition to a small head office group, the Regional Operations Branch now has five regional offices located in Moncton, Montreal, Toronto, St. Boniface and Edmonton. The purpose of these offices is to participate in the Office's regional activities related to complaints, audits, communications and liaison with minority associations and certain majority groups to promote the spirit and the letter of the Act. The regional offices received 1,897 complaints in 12 months; this represents 69% of all the complaints received. Of this number, 738 (39%) were investigated in the regions. The representatives of the regional offices, who must serve very large areas, are assisted by several part-time liaison officers located in other centres.

During the year, the Branch reviewed its mandate with a view to decentralizing the investigation of complaints and of audits conducted in the respective regions. The regional offices consolidated their contacts with both the minority and majority communities, strove to facilitate ties between the minority communities and federal offices and participated in information activities.

Marilyn Amendola, formerly of the Department of Industry, Science and Technology, was appointed Director of the **Communications Branch**.

Throughout the year the Branch worked to develop instruments designed to provide the public with information about the Official Languages Act and the role of the Commissioner. To this end, it conducted a major advertising campaign in the minority press of both official languages.

The press run of *Language and Society*, the Office's quarterly review, reached 16,500 copies. Its initial distribution numbered 12,300 copies to 9,000 subscribers. The remaining copies were distributed on request. The summer issue devoted a special report to the 25th anniversary of the B and B Commission and the 20th anniversary of the Official Languages Act, while the winter issue contained a special report on New Brunswick, looking back at the path travelled since proclamation of its Official Languages Act and at the special place this province occupies in Canada's linguistic landscape. This report generated considerable interest, especially in New Brunswick, where our Moncton office held a launching and where three major dailies, *L'Acadie Nouvelle*, the *Telegraph-Journal* and the *Evening Times-Globe*, reprinted it.

A new video "Two Languages, One Country", was produced to explain to various audiences the history, reality and richness of our official languages. In addition, a video of the celebrations on Parliament Hill in June was produced to inform national audiences of the renewed commitment of Government, Parliament and the Commissioner to linguistic duality. The Branch's Youth Program developed "The Magic Mural", a video intended for children from five to seven, and is now working, in co-operation with its advisory committee representing

Departments of Education across the country and the Council of Ministers of Education, Canada, on a project for eight- to 11- year-olds. Finally, *Agenda 89-90*, also prepared by the Youth Program, was very well received by some 200,000 students.

The Office received 143 requests from the media and issued nine press releases in 1989. Nine of the most important speeches given by the Commissioner were distributed to the public. He also corresponded actively with various newspapers by means of open letters intended to establish the facts about the objectives, policies and costs of federal bilingualism.

Catherine Bastedo-Boileau, formerly of the Complaints and Audits Branch, was appointed Director of the **Resource Management Branch**. This Branch provides personnel administration, financial and records management services and administrative services such as telecommunications, mail, material management, office accommodation and purchasing.

Over the years the Branch has had to meet a major challenge: achieving a more balanced participation of Anglophones and Francophones in the Office, an issue that has been discussed by the Standing Joint Committee. Since 1985 Anglophone participation has risen from 25% to 32%, a figure that is still clearly unsatisfactory. The main factor in this imbalance, which has existed since the Office was established, is the paucity of Anglophone candidates who meet the language requirements (more than 85% of complaints received by the Office are from Francophones). In 1989 the Office achieved some success: the rate of Anglophone participation in senior management reached 50%. However, as the Committee noted, progress remained slow in spite of determined efforts.

Women are very well represented among the Office's staff; they constitute 57% of its employees and a third of the Management category. The Office has a satisfactory level of representation of members of visible minorities (3%) and is striving to increase the percentage of handicapped and Native employees.

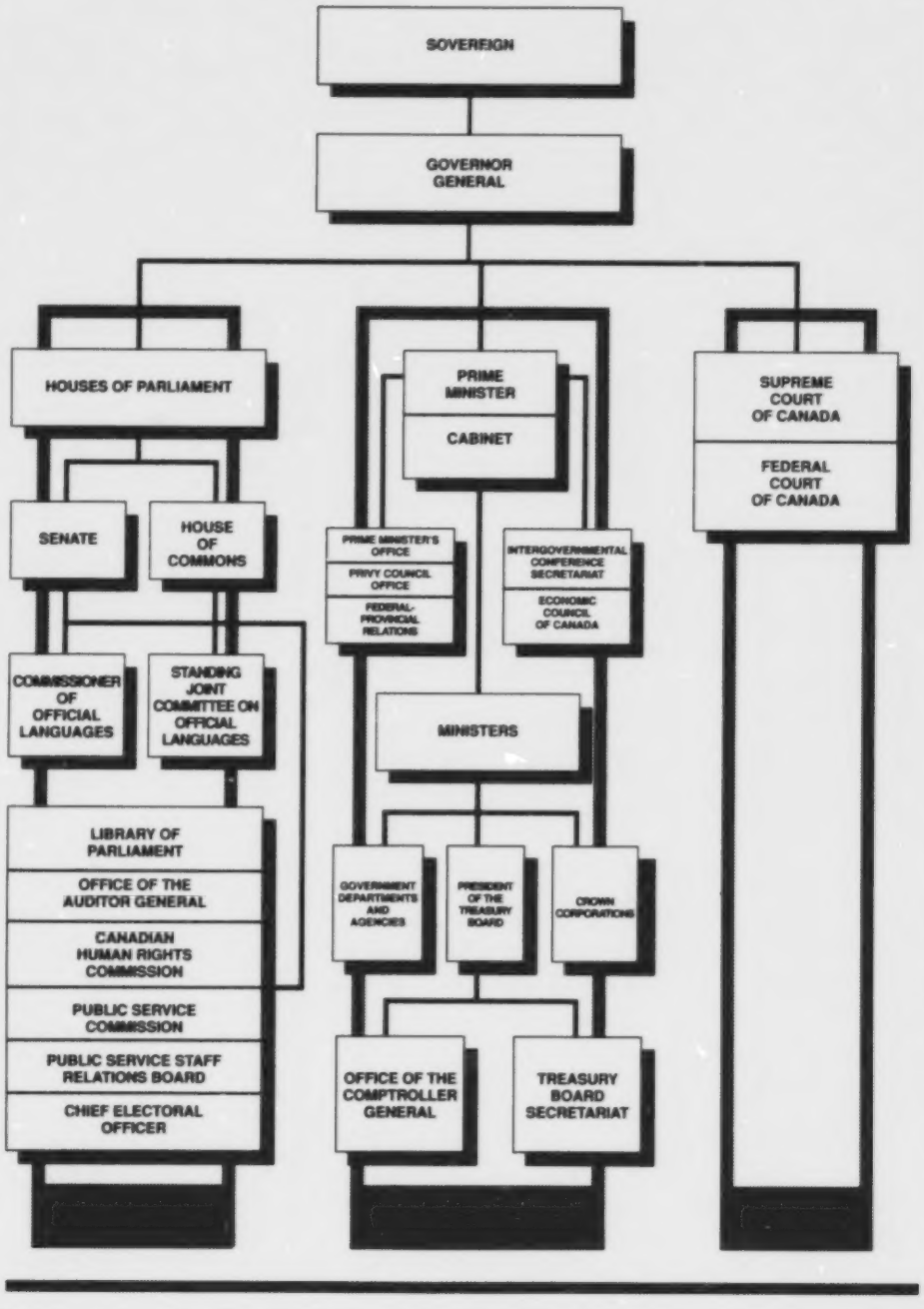
Office of the Commissioner of Official Languages: person-years and budget 1989-90

Branch	Person-years	Budget ($000s)
Policy	15	1,171
Complaints and Audits	59	3,569
Regional Operations	32	2,200
Communications	22	2,991
Resource Management*	40	2,338
TOTAL	**168**	**12,269**

* Includes the offices of the Commissioner and Deputy Commissioner.

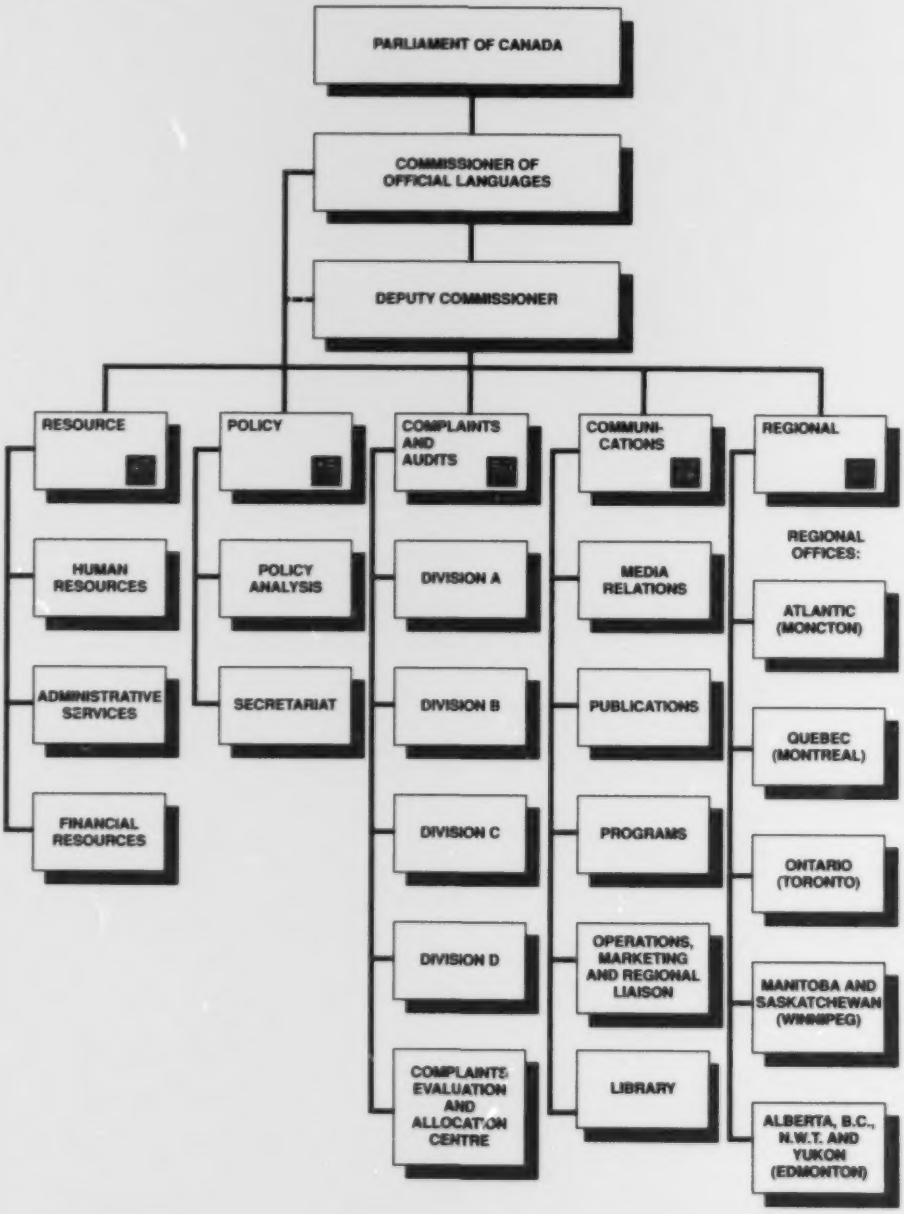
GOVERNMENT OF CANADA
Abridged Organization Chart

1



OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES

Organization Chart



■ person-years

COMPLAINTS

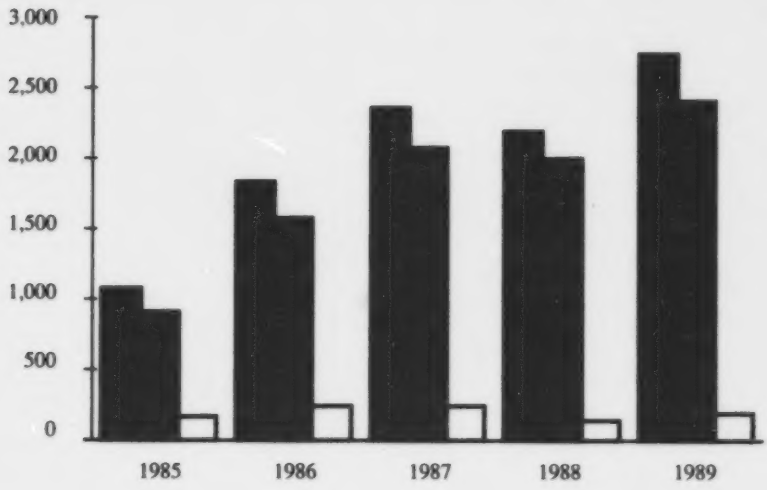
A.1

Number of complaints and information requests received, jurisdiction and nature of complaints, according to the language of the infraction, for each province/territory, 1989

	1984-1988	1989										
	Average no. of complaints received						Nature and language of complaints					
		Com-plaints	Infor-mation requests	Total	Jurisdiction		English			French		
							Service to the public	Lan-guage of work	Other	Service to the public	Lan-guage of work	Other
	Number	Number	Number	Number	Federal	Non-Federal						
Newfoundland	52	154	12	166	150	4	1	0	1	151	0	1
Prince Edward Island	60	66	7	73	63	3	1	0	1	63	1	0
Nova Scotia	277	266	34	300	261	5	5	0	5	249	1	6
New Brunswick	159	302	71	373	261	41	12	0	7	252	26	5
Quebec[a]	188	306	78	384	267	39	141	3	6	122	18	16
NCR – Quebec	26	57	14	71	46	11	26	0	2	16	7	6
NCR – Ontario	429	558	241	799	522	36	79	5	15	322	98	39
Ontario[b]	230	371	66	437	352	19	31	2	3	304	17	14
Manitoba	130	250	17	267	237	13	6	0	1	237	2	4
Saskatchewan	53	55	6	61	51	4	0	0	0	51	3	1
Alberta	109	142	82	224	137	5	3	0	1	133	2	3
British Columbia	54	181	64	245	174	7	10	0	0	167	4	0
Northwest Territories	2	3	1	4	3	0	0	0	0	3	0	0
Yukon	6	8	0	8	8	0	0	0	0	8	0	0
Foreign	13	24	12	36	22	2	2	0	0	22	0	0
TOTAL	1,788	2,743	705	3,448	2,554	189	317	10	42	2,100	179	95

[a] Excludes the Quebec portion of the National Capital Region.
[b] Excludes the Ontario portion of the National Capital Region.

A.2 COMPLAINTS OVER THE YEARS



	TOTAL	Service to the public	Language of work	Other
1985	1,080	913	167	0
1986	1,840 *	1,583	242	15
1987	2,360 *	2,080	248	32
1988	2,189	1,997	144	48
1989	2,743	2,417	189	137

* For the purposes of this table, language of work complaints regarding CSIS (1,784 in 1986 and 456 in 1987) have been regrouped and are counted as one complaint.

A.3 COMPLAINTS

Number of substantiated complaints received by institution, 1988 and 1989

Institution*	1988	1989
Air Canada	191	245
Canada Mortgage and Housing Corporation	10	32
Canada Post Corporation	227	359
Canadian Broadcasting Corporation	19	50
Canadian National	19	15
Canadian Radio-television and Telecommunications Commission	3	19
Consumer and Corporate Affairs	6	55
Correctional Service	17	32
Defence Construction	0	17
Employment and Immigration	114	141
Energy, Mines and Resources	18	16
Environment	57	54
External Affairs	26	34
Federal Business Development Bank	26	21
National Capital Commission	5	15
National Defence	74	100
National Health and Welfare	51	53
National Revenue (Customs and Excise)	22	39
National Revenue (Taxation)	36	63
Petro-Canada	24	24
Public Service Commission	21	38
Public Works	29	51
Royal Canadian Mounted Police	32	48
Supply and Services	29	54
Transport	100	333
Treasury Board	17	16
Via Rail	38	27

* Only those institutions that were the subject of 15 or more complaints in 1989 are listed above.

A.4

AUDITS, FOLLOW-UPS AND SPECIAL STUDIES

Audits, follow-ups and special studies conducted in federal departments and agencies, 1987, 1988 and 1989

1987

Audits
Bank of Canada
Correctional Service of Canada (Atlantic)
Employment and Immigration Commission (specialized services in the West)
Farm Credit Corporation
Indian Affairs and Northern Development
International Development Research Centre
Medical Research Council
National Defence (language training)
National Defence (Ottawa installations)
National Revenue (Customs and Excise, Laboratory)
Supply and Services (Supply)

Follow-ups
Canadian Commercial Corporation
Harbourfront Corporation
House of Commons
Justice
Labour Canada
National Defence (Co-ordinators)
Regional Industrial Expansion (Tourism)
Science Council of Canada

Special Studies
National Defence (language of work and linguistic profiles)
New Brunswick (language of work)
Prince Edward Island (service to the public)

1988

Audits
Air Canada (Atlantic)
Canada Labour Relations Board
Correctional Service of Canada (Quebec)
Health and Welfare Canada
Indian Affairs and Northern Development (Northern program)
National Revenue (Taxation) (first stage)
Royal Canadian Mounted Police (Headquarters)
Secretary of State (Citizenship Court)
Solicitor General of Canada
Statistics Canada
Transport Canada (Coast Guard – Atlantic)

Follow-ups
Canada Post Corporation (participation and language of work – Ottawa)
Environment
External Affairs (central administration)
National Capital Commission
Marine Atlantic

Special Studies
National and International Events
Environment (western parks)
National Defence (Francotrain)
Telephone reception (service to the public)

1989

Audits
Air Canada
Canada Labour Relations Board
Correctional Service Canada – Quebec Region (Cowansville, Donnacona, Archambault)
Employment and Immigration Canada – Western Region
Farm Credit Corporation
Indian Affairs and Northern Development – Inuit and Central Administration
National Health and Welfare
Office of the Commissioner of Official Languages
Royal Canadian Mounted Police – Headquarters
Supply and Services – Supply
Transport Canada - Canadian Coast Guard (Maritimes)

Follow-ups
Canada Post Corporation – Language of Work (1984 Recommendations)
Correctional Service Canada – Drummond
Environment – Environmental Services
External Affairs
Marine Atlantic – Service to the Public
Medical Research Council

Special Studies
Language of Work in New Brunswick
National and International Events
The Language of Occupational Training in the Canadian Forces
The Public Service Commission's Language Training Program — Phase I

INTERESTED IN LANGUAGE MATTERS?

A.5

Publications, audio-visual materials, posters and kits produced by the Office of the Commissioner of Official Languages

ADULT MATERIALS

Annual Report (R)
A bilingual publication tabled in Parliament each spring. Provides Members of Parliament and Senators as well as the general public with a yearly assessment of progress achieved in Canada's language reform program.

Extracts from the Annual Report 1989

Minorities
Overview: Clouds and Silver Linings (14W)
A discussion of policy issues and a review of province-by-province developments affecting our official language minority groups.

Second-Language Instruction
Outlook: Growth Has Its Problems (15W)
A policy overview and regional roundup of developments in second-language instruction.

Office of the Commissioner of Official Languages
Preparing for the Future: Changing and Explaining (16W)
An overview of the functions of the various components of the Commissioner's Office with a summary of 1989's activities. Appendices on other aspects of official languages are also included.

Language and Society (L)
A bilingual quarterly review for those interested in language issues, especially opinion leaders, social and political commentators, educators, and leaders in voluntary organizations, the private sector and linguistic communities. The review aims at reflecting the linguistic experience of Canadians and at keeping them informed of relevant major events.

Index to Language and Society (OL)
A bilingual title index of the articles contained in all the issues of *Language and Society* published to date.

Extracts from Language and Society

Language of Work in the Federal Public Service (24W)
A factual and meticulous account based on a survey conducted in New Brunswick.

25,000 Complaints! (26W)
Complaints are the means of safeguarding your language rights. The Commissioner of Official Languages and his responsibilities as ombudsman.

25 Years after the B and B Commission (27W)
An account of the development of bilingualism in Canada since the publication of the famous editorial by André Laurendeau.

Speeches (1D)
A collection of 12 speeches by the Commissioner on a wide range of subjects of interest to everyone who is concerned with the linguistic situation in Canada.

The Official Languages Act, 1988 (9C)
The complete text of the Act, in both languages, presented in handy booklet form.

Official Languages Act, 1988: Synopsis (13W)
A bilingual summary of the main elements of the Act.

The New Official Languages Act (3Q)
A bilingual brochure explaining the Official Languages Act, 1988.

The New Official Languages Act and the Minority Communities (2Q)
A bilingual brochure explaining the Official Languages Act, 1988, and how as language ombudsman the Commissioner protects the language rights of minority communities.

New products!

The Office of the Commissioner of Official Languages: A Twenty Year Chronicle (6Q)
A valuable research tool, for those interested in the role and development of this agency, which traces the history of the Office from the beginnings to 1989. This booklet presents the historical facts relating to the evolution of Canada's official languages and the goals and achievements of the three Commissioners. (Available in Spring 1990.)

Our Two Official Languages Over Time (13Q)
A reference document detailing the events that led to the special status of English and French in Canada. This chronological survey also includes the main judicial decisions in matters relating to official languages. (Available in Spring 1990.)

Court Remedy: Towards Linguistic Justice (12Q)
A bilingual brochure that describes for complainants the steps to follow should they decide to apply to the Federal Court to uphold language rights in accordance with Part X of the Official Languages Act, 1988.

MATERIALS FOR YOUNG PEOPLE

You Put It in Words (2V)
A collection of the best works written by young people aged 15 to 24 for a creative writing contest held by the Commissioner to celebrate International Youth Year. English selections appear on one side of the publication, French on the other.

Share the Vision (1V)
A resource kit which gives unique insights into how young Canadians think and feel about living in a bilingual country. Each kit contains the publication *You Put It in Words*, the *Fiction in Action* video and a Study Guide. Available to teachers and organizations only.

Explorations (1K)
A bilingual game inviting young people 12 years of age and older to discover our world's rich linguistic diversity and to learn about the roles of English and French as international languages. Designed for up to four players.

Agenda
A personal illustrated bilingual calendar-diary for grade 11 students, filled with facts and figures about Canada and its two official languages. Distributed through schools.

POSTERS

Feathered Friends (10K)
An attractive poster giving the English and French names of a variety of North American birds. 45 x 55 cm.

Owls Hoot (9J)
This colourful bilingual poster shows birds and animals and describes the sound each makes, in English and French. 45 x 60 cm.

English and French...in almost half the countries of the world (9K)
A bilingual poster showing, on colourful air balloons, the flags of countries where English and French are spoken. A legend on the back identifies each flag. 50 x 70 cm.

Canada Goose (9T)
Through six light-hearted illustrations featuring a Canada Goose character, this poster shows young Canadians nine years of age and under that federal government service is available in both official languages. 90 x 60 cm.

Two official languages/Two-part harmony (11Q)
A bright and attractive poster which features an array of colourful birds singing the message "Pass it along!" 66 x 51 cm.

AUDIO-VISUAL MATERIALS

(Available on a *loan basis* and distributed under separate cover.)

The Magic Mural
This animated video features Julie and Daniel, two bird-like characters lost in an imaginary world. Children five to seven years old will follow their adventures and discover that people can get along and do things together even if they do not understand one another's language. Distributed to teachers and group leaders with a Study Guide and poster. 1/2–inch and 1/4-inch video cassettes. Colour. Ten minutes.

Two Languages, One Country
An animated, humorous map of Canada shows the special place of English and French in our country. The stretch of history surveyed is impressive and provides the background to modern legislation, including the Official Languages Act, 1988. Accompanied by a Study Guide and reference documentation. Suitable for workshops, classrooms, seminars and training and information sessions. 1/2-inch and 1/4-inch video cassettes. Colour. Twenty minutes.

Bilingualism Twenty Years Later
Interviews with a number of opinion leaders provide insight into the progress achieved with regard to official languages in Canada. Produced in 1984, this video commemorates the 20th anniversary of the Royal Commission on Bilingualism and Biculturalism. 1/2–inch and 1/4-inch video cassettes. Colour. Thirty minutes.

Twice Upon a Time...Il était deux fois
A humorous look at bilingualism, Canadian style. Designed to stimulate discussion. Bilingual 16-mm. film or 1/2–inch and 1/4-inch video cassettes. Colour. Ten minutes. Available for a minimal cost from the National Film Board.

New video!

Official Languages: The 20th Anniversary
A brisk documentary of a celebration on Parliament Hill in June 1989 to mark the 20th anniversary of the adoption of the first Official Languages Act and the work begun a quarter century ago by the Royal Commission on Bilingualism and Biculturalism. 1/2–inch and 1/4-inch video cassettes. Colour. Seven minutes.

Unless otherwise specified, all materials produced by the Office of the Commissioner of Official Languages are distributed free of charge upon request. They are not available for general distribution outside Canada. We reserve the right to limit quantities.

To obtain these items, please write to the Communications Branch, Office of the Commissioner of Official Languages, Ottawa, Canada, K1A 0T8, or call (613) 995-0826.

Other related Annual Reports

Secretary of State of Canada – Contact:
Communications Branch
Secretary of State
Ottawa, Ontario
K1A 0M5

Treasury Board of Canada – Contact:
Distribution Centre
Treasury Board of Canada
Ottawa, Ontario
K1A 0R5

Census Data on Official Languages: New Linguistic Profiles

With the adoption of the 1988 Official Languages Act, the language questions asked in the census have taken on additional importance, both in terms of a definition of significant demand for services and as a societal reference point in the determination of the equitable participation of English- and French-speaking Canadians in the Public Service. In the 1986 census Statistics Canada asked three questions regarding languages in Canada; each explores a different dimension of the country's language profile.

The question with which most readers will be familiar, since it is the oldest census language question, asks which language was first acquired in childhood and is still understood. This language is described as one's "mother tongue" (Table B.1). The second question seeks to determine current behaviour; it asks the respondent to identify the language usually spoken in the home (Table B.1). The third question asks about the capacity to speak the official languages. This question reveals how many Canadians speak both English and French, one or the other, or neither. The second and third questions appear only on the "long" questionnaire which 20% of respondents receive.

Prior to 1986 Statistics Canada had instructed the respondents to "Mark one box only" when answering the "mother tongue" and "home language" questions. In the 1986 census the instructions were amended to permit respondents to give more than one response. There had always been some multiple responses in the previous census data; with the change, the number of multiple responses, increased substantially. This reflects the complexity of Canada's linguistic reality. Given the need within government and the academic community for data which are comparable with previous census results, Statistics Canada also produced adjusted data which allocate multiple responses equally between the two or more languages selected by the respondent.

In September 1989 Statistics Canada published[1] new figures which incorporate the results of the three language questions (adjusted data from the 20% sample)

[1] Census Canada 1986, Population Estimates by First Official Language Spoken.

into population estimates by first official language spoken. These estimates are a new and somewhat complex tool for understanding the linguistic make-up of the country. The three questions are asked in two different orders, resulting in estimates I and II. In both cases respondents are allocated to a language group only if the answer given to a question includes only one official language. Those answering both English and French are then allocated on the basis of the subsequent question. If the answer again includes both English and French the third question is used. Those answering both English and French to three language questions are allocated equally to both groups. Since the order in which these questions are asked influences the outcome, two estimates are calculated. Estimate I uses knowledge of official languages, mother tongue, and home language responses, in that order. Estimate II uses home language responses followed by the mother tongue responses.

A) Knowledge of Official Languages:
Can you speak English or French well enough to conduct a conversation?

B) Mother Tongue:
What is the language you first learned in childhood and still understand?

C) Home Language:
What is the language you yourself speak at home now? (If more than one language, which language do you speak most often?)

Statistics Canada suggests the results (Table B.2) may be of use in "evaluating the demand for services in each official language" or to "obtain estimates of the respective size of the English- and French-speaking population in Canada".

B.1 LINGUISTIC COMPOSITION OF CANADA BY OFFICIAL LANGUAGE

1986 Census Results[1]

	MOTHER TONGUE[2]			HOME LANGUAGE[3]		
	English	French	Other	English	French	Other
Canada	15,709,650 (62.1%)	6,354,840 (25.1%)	3,244,850 (12.8%)	17,249,900 (68.9%)	6,015,680 (24.0%)	1,756,425 (7.0%)
Newfoundland	561,300 (98.8%)	2,670 (0.5%)	4,375 (0.8%)	559,770 (99.2%)	2,110 (0.4%)	2,135 (0.4%)
Prince Edward Island	119,175 (94.1%)	5,920 (4.7%)	1,555 (1.2%)	121,070 (96.8%)	3,485 (2.8%)	535 (0.4%)
Nova Scotia	818,905 (93.8%)	35,810 (4.1%)	18,450 (2.1%)	829,790 (96.0%)	24,720 (2.9%)	9,595 (1.1%)
New Brunswick	462,935 (65.3%)	237,570 (33.5%)	8,940 (1.3%)	478,125 (68.1%)	219,350 (31.3%)	4,385 (0.6%)
Quebec	678,785 (10.4%)	5,408,980 (82.8%)	444,695 (6.8%)	796,695 (12.3%)	5,343,210 (82.8%)	314,600 (4.9%)
Ontario	7,097,920 (78.0%)	484,265 (5.3%)	1,519,505 (16.7%)	7,798,355 (86.6%)	340,545 (3.8%)	862,270 (9.6%)
Manitoba	780,015 (73.4%)	51,775 (4.9%)	231,220 (21.8%)	915,415 (87.2%)	29,765 (2.8%)	104,130 (9.9%)
Saskatchewan	827,250 (81.9%)	23,720 (2.3%)	158,655 (15.7%)	934,890 (93.8%)	8,980 (0.9%)	52,835 (5.3%)
Alberta	1,946,725 (82.3%)	56,245 (2.4%)	362,860 (15.3%)	2,153,675 (92.0%)	24,910 (1.1%)	161,670 (6.9%)
British Columbia	2,366,805 (82.1%)	45,845 (1.6%)	470,725 (16.3%)	2,605,025 (91.4%)	17,575 (0.6%)	226,990 (8.0%)
Yukon	20,930 (89.1%)	620 (2.6%)	1,950 (8.3%)	22,665 (97.0%)	275 (1.2%)	415 (1.8%)
Northwest Territories	28,905 (55.3%)	1,420 (2.7%)	21,920 (42.0%)	34,430 (66.2%)	755 (1.5%)	16,855 (32.4%)

[1] Data adjusted by Statistics Canada to allocate those who claim more than one mother tongue or home language.
[2] Defined as first language learned and still understood.
[3] Language most often spoken in the home.

B.2 FIRST OFFICIAL LANGUAGE SPOKEN

Estimates I and II[1]

	ESTIMATE I[2]			ESTIMATE II[3]	
	English	French	Neither*	English	French
Canada	18,304,375 (73.1%)	6,454,870 (25.8%)	262,755 (1.1%)	18,508,635 (74.0%)	6,250,610 (25.0%)
Newfoundland	561,200 (99.5%)	2,170 (0.4%)	635 (0.1%)	561,895 (99.6%)	1,470 (0.3%)
Prince Edward Island	120,010 (95.9%)	5,050 (4.0%)	30 (0.02%)	121,465 (97.1%)	3,600 (2.9%)
Nova Scotia	830,500 (96.1%)	32,955 (3.8%)	700 (0.08%)	838,220 (97.0%)	25,220 (2.9%)
New Brunswick	466,840 (66.5%)	234,720 (33.4%)	295 (0.04%)	478,105 (68.1%)	223,450 (31.8%)
Quebec	858,325 (13.3%)	5,550,395 (86.0%)	45,770 (0.7%)	876,750 (13.6%)	5,531,980 (85.7%)
Ontario	8,400,610 (93.3%)	469,990 (5.2%)	130,560 (1.5%)	8,498,930 (94.4%)	371,680 (4.1%)
Manitoba	990,370 (94.4%)	46,730 (4.5%)	12,215 (1.2%)	1,004,510 (95.7%)	32,600 (3.1%)
Saskatchewan	970,970 (97.4%)	20,470 (2.1%)	5,250 (0.5%)	981,050 (98.4%)	10,395 (1.0%)
Alberta	2,268,180 (96.9%)	49,205 (2.1%)	22,885 (1.0%)	2,289,350 (97.8%)	28,025 (1.2%)
British Columbia	2,770,230 (97.2%)	41,270 (1.4%)	38,090 (1.3%)	2,790,450 (97.9%)	21,050 (0.7%)
Yukon	22,750 (97.4%)	580 (2.5%)	30 (0.1%)	23,010 (98.5%)	310 (1.3%)
Northwest Territories	44,385 (85.3%)	1,355 (2.6%)	6,290 (12.1%)	44,910 (86.3%)	820 (1.6%)

[1] Estimates are calculated on the basis of a cross-tabulation of the three census language questions. Both home language and mother tongue estimates are given. For persons giving both English and French as languages spoken, mother tongue and home language are allocated equally to both groups.

[2] Estimate I gives priority to mother tongue.

[3] Estimate II gives priority to home language.

* The number of persons who state they have no knowledge of either official language is the same for both estimates.

TABLES

OFFICIAL LANGUAGES PROGRAMS

C.1

Breakdown of spending estimates and person-years allocated to internal and external official languages programs of federal agencies, 1988-89 and 1989-90.

	1988-89		1989-90	
	Revised estimates $000	Person-years	Revised estimates $000	Person-years
EXTERNAL: PROVINCES, TERRITORIES AND ORGANIZATIONS				
Secretary of State				
• Transfer payments to provinces and territories for language programs	235,845		250,607	
• Transfer payments to official language minority groups	43,190		43,790	
• Transfer payments for bilingualism development programs				
• Operating expenditures	5,033	75	5,350	82
National Capital Commission				
• Contributions to external bilingualism programs	300	0	100	0
Commissioner of Official Languages	11,288	160	12,269	168
Sub-total	295,656	235	312,116	250
INTERNAL: PUBLIC SERVICE, PARLIAMENTARY INSTITUTIONS, ARMED FORCES AND CROWN CORPORATIONS				
Treasury Board				
• Official Languages Branch	5,222	64	7,868	64
Public Service Commission				
• Language training	31,934	548	33,822	574
• Administration and other programs	2,715	53	3,293	76
Secretary of State				
• Official Languages Service	91,010	1,401	103,551	1,381
Other departments and agencies	80,245	547	84,852	548
Parliamentary institutions	1,246	10	1,121	13
Armed Forces	54,982	994	54,102	739
Crown corporations	26,602	n.a.	25,427	n.a.
Sub-total	293,956	3,617	314,036	3,395
TOTAL	589,612	3,852	626,152	3,645

n.a.: Figures not available

Source: Treasury Board Secretariat.

To obtain figures for actual expenditures in previous years, readers are invited to contact the Treasury Board

C.2

THE TWO OFFICIAL LANGUAGE COMMUNITIES IN THE PUBLIC SERVICE OF CANADA

Participation in the Public Service by first official language and employment category, 1983 and 1989

CATEGORY		ANGLOPHONES NUMBER	%	FRANCOPHONES NUMBER	%	TOTAL
Management	1983	2,815	79.7	715	20.3	3,530
	1989	3,205	78.2	895	21.8	4,100
Scientific and Professional	1983	17,554	77.9	4,966	22.1	22,520
	1989	17,653	77.5	5,117	22.5	22,770
Administrative and Foreign Service	1983	39,712	71.1	16,142	28.9	55,854
	1989	39,617	69.5	17,370	30.5	56,987
Technical	1983	22,096	80.0	5,531	20.0	27,627
	1989	20,398	79.0	5,418	21.0	25,816
Total officer	**1983**	**82,177**	**75.0**	**27,354**	**25.0**	**109,531**
	1989	**80,873**	**73.7**	**28,800**	**26.3**	**109,673**
Administrative Support	1983	48,828	67.0	24,086	33.0	72,914
	1989	42,016	65.8	21,846	34.2	63,862
Operational	1983	34,412	75.4	11,244	24.6	45,656
	1989	27,666	75.3	9,093	24.7	36,759
Total support	**1983**	**83,240**	**70.2**	**35,330**	**29.8**	**118,570**
	1989	**69,682**	**69.3**	**30,939**	**30.7**	**100,621**
TOTAL	**1983**	**165,417**	**72.5**	**62,684**	**27.5**	**228,101**
	1989	**150,555**	**71.6**	**59,739**	**28.4**	**210,294**

Source: Official Languages Information System, 1983 and 1989.

SECOND-LANGUAGE ENROLMENT IN PUBLIC SCHOOLS

D.1

PROVINCE*		Total school population	TOTAL SECOND-LANGUAGE ENROLMENT	FRENCH IMMERSION	
				Enrolment	Schools offering immersion
Newfoundland	1977-78	156,168	67,791	95	3
	1988-89	132,995	77,871	3,641	32
	1989-90	128,540	78,200	4,000	35
Prince Edward Island	1977-78	27,628	16,495	541	7
	1988-89	24,814	15,823	3,165	23
	1989-90	24,170	15,600	3,300	24
Nova Scotia	1977-78	198,097	88,991	127	3
	1988-89	167,600	100,450	4,410	58
	1989-90	165,530	99,990	5,000	65
New Brunswick	1977-78	162,229	70,629	3,179	34
	1988-89	136,528	77,309	16,452	104
	1989-90	134,680	80,200	17,400	105
Quebec	1977-78	1,053,753	678,664		
Students taking English as a second language	1988-89	927,159	584,842	No English immersion programs exist.	
	1989-90	930,900	586,850		
Quebec	1977-78	207,230	n.a.	17,754	n.a.
Students taking French as a second language	1988-89	105,141	n.a.	19,000	n.a.
	1989-90	103,000	n.a.	19,000	n.a.
Ontario	1977-78	1,950,308	883,269	12,764	160
	1988-89	1,868,211	1,056,606	116,697	840
	1989-90	1,903,000	1,069,000	124,000	845

ELEMENTARY[a] (Core)			SECONDARY[a] (Core)		
School population having English as the language of instruction (French in Quebec)	Second language[c] Enrolment	%	School population having English as the language of instruction (French in Quebec)	Second language[c] Enrolment	%
93,440	33,585	35.9	62,453	34,111	54.6
65,284	37,267	57.1	63,840	36,963	57.9
64,500	37,700	58.4	59,790	36,500	61.0
13,284	7,351	55.3	13,171	8,603	65.3
10,367	5,849	56.4	10,768	6,809	63.2
10,300	5,650	54.9	10,590	6,650	62.8
100,529	30,025	29.9	91,545	58,839	64.3
82,729	45,430	54.9	77,225	50,610	65.5
81,530	44,990	55.2	75,800	50,000	66.0
49,019	29,563	60.3	56,930	37,887	66.6
36,063	34,830	96.6	38,705	26,027	67.2
37,880	36,000	95.0	34,400	26,800	77.9
580,351	214,730	37.0	473,402	463,934	98.0
601,640	265,422	44.1	325,938	319,420	98.0
604,400	265,900	44.0	327,500	320,950	98.0
See Table D.2 (minority language education)			See Table D.2 (minority language education)		
1,221,579	650,136	53.2	612,574	220,369	36.0
1,036,600	700,000	67.5	621,399	239,909	38.6
1,065,500	713,000	66.9	619,800	232,000	37.4

Continued

PROVINCE[a]		Total school population	TOTAL SECOND-LANGUAGE ENROLMENT	FRENCH IMMERSION Enrolment	FRENCH IMMERSION Schools offering immersion
Manitoba	1977-78	221,408	85,619	1,667	13
	1988-89[r]	198,788	108,425	17,779	91
	1989-90[p]	197,840	109,300	19,000	95
Saskatchewan	1977-78	216,248	53,804	407	2
	1988-89[r]	202,493	106,958	9,476	60
	1989-90[p]	202,450	112,360	10,400	62
Alberta	1977-78	439,804	n.a.	n.a.	n.a.
	1988-89[r]	461,176	172,700	24,921	151
	1989-90[p]	467,800	184,600	27,000	155
British Columbia	1977-78	527,769	161,110	1,301	15
	1988-89[r]	499,996	216,537	24,292	187
	1989-90[p]	507,960	224,300	26,500	200
Yukon	1977-78	5,394	n.a.	n.a.	n.a.
	1988-89[r]	5,006	2,958	342	2
	1989-90[p]	5,110	3,120	370	2
Northwest Territories	1977-78	12,717	n.a.	n.a.	n.a.
	1988-89[r]	13,449	4,001	366	4
	1989-90[p]	13,580	4,025	400	4
TOTAL	**1977-78**	**5,178,753**	**(1)**	**37,835**	**237**
	1988-89[r]	**4,743,356**	**2,524,480**	**240,541**	**1,552**
	1989-90[p]	**4,784,560**	**2,567,545**	**256,370**	**1,592**

(1) Column adds to 2,106,372 for 1977-78, while row adds to 2,240,949 for that year, owing to unavailability of immersion data for Alberta and the Northwest Territories and partial data for second language programs in Quebec.

[a] Where no notation appears, French is the second language taught.

[p] Statistics Canada estimate.

[r] See Table D.2 for minority language education enrolment.

[4] Includes grades k to 6, except Ontario (k-8); British Columbia and Yukon (k-7).

ELEMENTARY[a] (Core)			SECONDARY[a] (Core)		
School population having English as the language of instruction (French in Quebec)	Second language[b] Enrolment	%	School population having English as the language of instruction (French in Quebec)	Second language[b] Enrolment	%
110,831	42,576	38.4	100,707	41,376	41.1
89,392	49,435	55.3	86,262	41,211	47.8
88,800	49,700	56.0	84,540	40,600	48.0
110,382	4,928	4.5	104,075	48,469	46.6
105,215	52,024	49.4	86,548	45,458	52.5
104,000	54,600	52.5	86,900	47,360	54.5
216,656	52,435	24.2	215,899	58,903	27.3
236,186	68,583	29.0	198,033	79,196	40.0
232,300	72,000	31.0	206,350	85,600	41.5
305,574	75,740	24.8	220,894	84,069	38.1
286,126	98,052	34.3	187,662	94,193	50.2
294,000	105,800	36.0	185,550	92,000	49.6
3,545	1,346	38.0	1,849	939	50.8
2,994	1,708	57.0	1,629	908	55.7
3,120	1,870	59.9	1,580	880	55.7
8,801	2,100	23.9	3,916	1,100	28.1
9,077	2,296	25.3	3,974	1,339	33.7
9,040	2,350	26.0	4,110	1,275	31.0
2,813,991	**1,144,515**	**40.7**	**1,957,415**	**1,058,599**	**54.1**
2,561,673	**1,360,896**	**53.1**	**1,701,983**	**942,043**	**55.3**
2,595,370	**1,389,560**	**53.5**	**1,696,910**	**940,615**	**55.4**

[a] Includes grades 7-12, except Ontario (9-13); Quebec (7-11); British Columbia and Yukon (8-12).
[b] Figures revised since publication of the 1988 Annual Report.
n.a. No figures available.

Source: Statistics Canada, Elementary and Secondary Education.

D.2

MINORITY LANGUAGE EDUCATION PROGRAMS

Enrolment in programs designed to provide education in their mother tongue (English in Quebec and French elsewhere) to members of the official language minority groups, grades in which offered and number of schools where offered, for each province and territory, 1970-71, 1988-89 and 1989-90

		Enrolment	Grades	Number of schools
Newfoundland	1970-71	185	k to 10	1
	1988-89r	230	k to 10	4
	1989-90r	250	k to 10	4
Prince Edward Island	1970-71	796	1 to 12	7
	1988-89r	514	1 to 12	2
	1989-90r	520	1 to 12	2
Nova Scotia	1970-71	7,388	p to 12	32
	1988-89r	3,236	p to 12	18
	1989-90r	3,200	p to 12	18
New Brunswick	1970-71	60,679	k to 12	196
	1988-89r	45,308	k to 12	150
	1989-90r	45,000	k to 12	150
Quebec	1970-71	248,855	k to 11	519
	1988-89r	105,141	k to 11	370
	1989-90r	103,000	k to 11	360
Ontario	1970-71	115,869	k to 13	381
	1988-89r	93,515	k to 13	360
	1989-90r	94,200	k to 13	360
Manitoba	1970-71	10,405	k to 12	49
	1988-89r	5,355	k to 12	31
	1989-90r	5,500	k to 12	31
Saskatchewan	1970-71	765	k to 12	12
	1988-89r	1,254	k to 12	12
	1989-90r	1,150	k to 12	12

Continued

		Enrolment	Grades	Number of schools
Alberta	1970-71	n.a.	n.a.	n.a.
	1988-89'	2,036	k to 12	20
	1989-90'	2,150	k to 12	20
British Columbia	1970-71	-	-	-
	1988-89'	1,916	k to 12	39
	1989-90'	1,910	k to 12	39
Yukon	1970-71	-	-	-
	1988-89'	41	k to 8	1
	1989-90'	40	k to 8	1
Northwest Territories	1970-71	-	-	-
	1988-89'	32	k to 6	1
	1989-90'	30	k to 6	1
TOTAL	**1970-71**	**444,942**		**1,197**
	1988-89'	**258,578**		**1,008**
	1989-90'	**256,950**		**998**

' Statistics Canada estimate.

' Figures revised since publication of the Annual Report 1988.

n.a. No figures available.

- nil

Source: Statistics Canada, Elementary and Secondary Education.

E.1 THE STATUS OF MAJOR OFFICIAL LANGUAGE PROVISIONS: A CROSS-CANADA SURVEY.

	Federal Parliament and Institutions	Newfoundland	Nova Scotia	Prince Edward Island	New Brunswick	Quebec
Right to minority language education (S.23 Charter)	*	*	*	*	*	*①
Right to receive federal government services in English and French *(S.20(1) Charter*, Part IV, OLA, 1988)	*	*	*	*	*	*
Right to receive provincial/territorial government services in English or French	N/A				*S.20(2) Charter of Rights* OLA, 1969 Equality of Official Linguistic Communities Act, 1981	Law 142, 1986 (guaranties health and social services in English)
Right to use English or French in debates and proceedings of legislature	*S.133 Constitution Act, 1867*				*S.17(2) Charter of Rights* OLA, 1969	*S.133 Constitution Act, 1867*
Obligation to use English and French in statutes, records and journals of legislature	*S.133 Constitution Act, 1867*				*S.18(2) Charter of Rights* OLA, 1969	*S.133 Constitution Act, 1867*
Right to use English or French in criminal proceedings	*S.133 Constitution Act, 1867*	④	④ Part XVII CrC (for summary conviction offences)	④ Part XVII CrC (for summary conviction offences)	*S.19(2) Charter of Rights* Part XVII CrC OLA, 1969	④ *S.133 Constitution Act, 1867*
Right to use English or French in civil proceedings	*S.133 Constitution Act, 1867*				*S.19(2) Charter of Rights* OLA, 1969	*S.133 Constitution Act, 1867*
CBC TV and radio network: minority language programming (Broadcasting Act)	*	*	*	*	*	*
Obligation to use bilingual product labelling (Consumer Packaging and Labelling Act)	*	*	*	*	*	*

Key * Applies in this jurisdiction. Italics indicate constitutionally entrenched provisions.

Explanatory note: Some rights and obligations, such as those relating to Parliament, legislation or the courts, generally have effect as of their date of proclamation. Others such as those relating to services to the public or minority language education rights, may be subject to gradual implementation. Parts II and IV of this Report provide more detailed information.

Notes

① The so-called "Mother Tongue clause" (Section 23(1)(a)) of the Charter of Rights, whereby "Citizens of Canada whose first language learned and still understood is that of the English or French minority population of the province in which they reside" may have their children educated in the minority language of that province, is not currently applicable to Quebec. The Charter, however, grants the provincial legislature the option to declare this provision applicable to Quebec.

Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Northwest Territories	Yukon
•	•	•	•	•	•	•
•	•	•	•	•	•	•
S.5 French Language Services Act, 1986					② S.15 NWT Official Languages Act, 1984	③ S.6(1) Languages Act, 1988
S.3(1) French Language Services Act, 1986	*S.23 Manitoba Act, 1870*	S.12 Language Act, 1988	S.5(1) Languages Act, 1988		② S.10 NWT Official Languages Act, 1984	③ S.3(1) Languages Act, 1988
S.3(2) French Language Services Act (As of Jan. 1, 1991)	*S.23 Manitoba Act, 1870*				② S.12 NWT Official Languages Act, 1984	S.4 Languages Act 1988 (As of Dec. 31, 1990, and applies only to legislation)
Part XVII Cr.C	Part XVII Cr.C	Part XVII Cr.C	④	④	Part XVII Cr.C	Part XVII Cr.C
Courts of Justice Act, 1984 (Range of French-Language Rights in designated courts)	*S.23 Manitoba Act, 1870*	S.11 Language Act, 1988 (before designated courts)	S.4 Languages Act, 1988 (oral communications before designated courts)		② S.13 NWT Official languages Act, 1984	② S.5 Languages Act, 1988
•	•	•	•	•	•	•
•	•	•	•	•	•	•

② Provisions of this Act come into force no later than December 31, 1990.
③ Provisions of this Act come into force no later than December 31, 1992.
④ Part XVII Cr.C comes automatically into effect Jan. 1 1990, in those provinces where it is not already in force.

Sources: Constitution Act, 1867; Constitution Act, 1982 (Canadian Charter of Rights and Freedoms); Manitoba Act, 1870; Official Languages Act, 1988; Northwest Territories Official Languages Act; Courts of Justice Act, 1984 (Ontario); Criminal Code; An Act to again amend an Act respecting health services and social services (Law 142, Quebec); Languages Act (Yukon); Languages Act (Alberta); An Act respecting the use of the English and French languages in Saskatchewan; French Language Services Act (Ontario); Official Languages Act, 1969 (New Brunswick); An Act recognizing the equality of the two Official Linguistic Communities in New Brunswick (1981).

INDEX

Note on the use of this index:

1) Search by specific subjects (e.g., Active offer of bilingual services), or by names of provinces or territories (e.g., Ontario, minority language education).
2) Page numbers appearing in boldface refer to the main treatment of the subject in the text.
3) Unless otherwise indicated, the term "bilingual services" describes those services offered by the federal government. Bilingual provincial and municipal services are described as such under the names of provinces and territories.

Aboriginal languages 7-8
Act recognizing the equality of the two official linguistic communities of New Brunswick 5, 41, 181, 209
Active offer of bilingual services ii, iii, 14, 49, **86-88**
Agriculture (Department) 108-109
Air Canada * iii, 16, 78, 90, **109-111**
Alberta
  federal-provincial agreement 190
  immersion programs 228
  Mahé case 21, 36, 189
  minority language communities 5, 189-190
  minority language education 189-190
  minority language rights 5, 21, 36, 189
  second-language education 228
Alliance Quebec 173, 183-184, 198, 205, 226
Anglophones in Quebec 20, 181, 183-185
Archives
  SEE National Archives
Association canadienne-française de l'Alberta 8, 190
Association canadienne-française de l'Ontario 194
Association culturelle franco-canadienne de la Saskatchewan 188
Association d'expression française des municipalités de l'Ontario 196
Association des Franco-Yukonais 191, 192
Association des parents du programme-cadre de français (British Columbia) 190-191
Association française des conseils scolaires de l'Ontario 35
Association francophone des municipalités du Nouveau-Brunswick 208
Association multiculturelle francophone de l'Ontario 8-9
Atomic Energy of Canada Limited 111
Audits 107, 237, 245
  NOTE: organizations marked with an asterisk have been audited in 1989

B and B Commission 6, 175
Bank of Canada, language of work 102-103
Bilingual managers 103
Bilingual positions in the public service 55-56
Bilingual services
  and privatization 16-17, 90
  in federal institutions 19, **85-90**
  in the private sector 17, 66-67
  in the provinces and regions 3-4, 21, 87
  in voluntary organizations 17, 66
  SEE ALSO UNDER names of provinces and territories
Bilingual supervisors 103

Bilingualism
acts and orders 37-38, 187
computer systems 103-104
court proceedings 4, 15-16, 176
institutional bilingualism 78-79
managers 103
packaging and labelling iii, 10-11, 76-78
public events 70
private sector 17, 66-67
provinces 3-4
public service **52-61**, 88-89
safety and emergency announcements 78
supervisors 103
Bilingualism bonus 19, 60-61
Bill 8
SEE French Language Services Act (Ontario)
Bill 88
SEE Act recognizing the equality of the two official linguistic communities of New Brunswick
Bill 101
SEE Charter of the French Language (Quebec)
Bill 107 (School Boards on Linguistic Lines in Quebec) 35, 177, 202
Bill 125 (Francophone Representation on School Boards in Ontario) 35
Bill 142 (Health and Social Services in Quebec) 5, 20, 174, 180-181, 203
Bill 178 (Language of Signage in Quebec) 5, 197-199
regulations 40-41, 199
Bill C-40
SEE Broadcasting Act
Boudreau case (New Brunswick) 30-31
British Columbia
Maison de la Francophonie 174, 191
minority language communities 190-191
minority language education 190-191
minority language rights 31-32
Nima vs McInnes case 31-32
second-language education 228
second-language teachers shortage 228
Broadcasting 9-10
cable services 9-10
community radio 65-66, 187
minority language 9, 10, 65-66, 192-193, 197, 209, 210
Newsworld channel 9
Parliamentary channel 10
SEE ALSO UNDER names of provinces and territories
Broadcasting Act 9

Cable services to minority language communities 9, 10
Canada Games 189
Canada Labour Relations Board * 112
Canada Mortgage and Housing Corporation 112-113
Canada Post Corporation * iii, 16-17, 90, **113-116**
complaints 17, 83
Canada-Quebec agreement on access to health and social services for Anglophones 5, 20, 174, 203

Canada-Saskatchewan framework agreement 188-189
Canada-United States Trade Agreement
SEE Free trade agreement
Canadian Broadcasting Corporation 9, **116-117**
services to minority language communities 9, 192-193, 210
Canadian Council on Official Languages 18, 69
Canadian Heritage Languages Institute 8
Canadian identity 10
Canadian Parents for French 184, 218-219
British Columbia 228
Prince Edward Island 223
Rendez-vous 217-218, 228
Saskatchewan 228
Canadian Radio-Television and Telecommunications Commission 9, 10
Canadian School Trustees Association 9
Canadian Security Intelligence Service 117-118
Census questions on language 11, 44-45, 249-250
Centre culturel franco-manitobain 187
Charter of rights and freedoms
minority language education rights 21-22, 32-37, 175-179
minority language rights 28-31
Charter of the French Language (Quebec) 198-199
Cinema in Quebec 204
Collège de l'Acadie (Nova Scotia) 209
Comité des parents pour une éducation en français à Saint-Jean (Newfoundland) 210-211
Comité pour une école française à l'Ile du Cap-Breton 32-33
Commercial signage in Quebec 5, 20, 40-41, 197-199
Commission nationale des parents francophones 175-176
Commissioner of Official Languages
activities 184-185, 234-236
and census questions on language 44
before the Standing Joint Committee on Official Languages 11, 43-44, 234
promotion of official languages **234-236**
recommendations on official languages programs 23-27
Communications (Department) 119-120
Communications program on official languages iii, 6-7, 18, 68
Community Radio 65-66
in Manitoba 187
Complaints ii-iii, 12, **73-83**, 242-244
by institution 244
by province 242
SEE ALSO UNDER specific subjects; and UNDER names of institutions
Comptroller General 120-121
Computer systems 103-104
Confederation of Regions Party (New Brunswick) 206
Conseil de l'éducation franco-ontarienne 194
Constitution Act 1867 32-37
Consumer and Corporate Affairs (Department) 121-122
complaints 76-78
Consumers Association of Canada 79-80
Core French program 216-217
Correctional Service * 123-124
complaints 81-82
Council of Ministers of Education, Canada, 175, 216

Court Challenge Program 41-42
Court proceedings
  bilingualism 4, 15-16, 39, 174, 176
  New Brunswick 41, 181, 209
Criminal Code, and minority language rights 4, 39-40, 174
Crown Corporations iii, 50
  official languages programs 52
  participation (equitable) 97
Customs Act 31-32

Education
  SEE Minority language education; Second-language education
Educational administration
  Ontario 35-36, 195
  Prince Edward Island 210
  Quebec 176-177, 202
  Saskatchewan 188
Employment and Immigration (Department) * 98, 99, **124-126**
Energy, Mines and Resources (Department) 126-127
Environment (Department) * 127-128
Equality Party (Quebec) 200
Equitable participation
  SEE Participation (equitable) in federal institutions
External Affairs (Department) * 129-131

Federal Business Development Bank 131-132
Federal-provincial/territorial agreements 4, 64
  Alberta 190
  education 17, 64-65, 174-175, 216
  New Brunswick 173-174, 208
  Nova Scotia 174
  Ontario 173-174
  Prince Edward Island 173-174, 210
  Quebec 5, 20, 174, 203
  Saskatchewan 188-189
  services 173-174
  Yukon 174
Fédération acadienne de la Nouvelle-Écosse 209
Fédération culturelle des Canadiens-français 183
Fédération des festivals acadiens de la Nouvelle-Écosse 209
Fédération des francophones de Terre-Neuve et du Labrador 211
Fédération des francophones hors Québec 8, 45, 173, 182-183
Fédération des groupes ethniques du Quebec Inc. 9
Fédération des jeunes Canadiens-français 66, 181-182, 183
Fédération des parents acadiens de la Nouvelle-Écosse 209
Fédération des parents francophones de l'Alberta 190
Fédération Franco-colombienne 191
Fédération Franco-TéNOise 193
Finance (Department) 132-133
First official language spoken 251
Fisheries and Oceans (Department) 133-134
Francophones outside Quebec 182-183
Free trade agreement and language issues 10-11

French-language school boards in Ontario 35-36, 195
French Language Services Act (Ontario) 5, 40, 182, 193-194

Gallup poll on official languages 3-4
Gautreau case (New Brunswick) 29-30, 206
Goguen, Hub City Suzuki and Romo Drilling Ltd. case (New Brunswick) 32
Grocery Products Manufacturers of Canada 11

Health and social services in minority language
  National Capital Region 23
  New Brunswick 208
  Ontario 196-197
  Quebec 5, 20, 174, 180-181, 203
Health, safety and security of the public 50
Heritage languages 8
Home language 249-251

Immersion programs
  drop-out rate 217
  enrolments 215
  SEE ALSO UNDER names of provinces and territories
Immigrants and refugees and official languages 9
Indian Affairs and Northern Development (Department) * 134-135
Industry, Science and Technology (Department) 135-136
Institutional bilingualism 78-79
Interpretation
  SEE Translation and Interpretation

Jourdain case (Manitoba) 38
Justice (Department) 136-138

"L'Acadie Nouvelle" 207
Labour (Department) 138-139
Language legislation 263-264
Language of service **84-91**
  active offer of bilingual services ii, iii, 14, 49, 86-88
  complaints 73-75, 76, 85
  in federal institutions 85-89
  SEE ALSO Bilingual services; and UNDER names of institutions
Language of work 14, 50, 60, **101-104**
  complaints 75, 80-82
  in federal institutions 102-104
  regulations 15, 48, 104
  SEE ALSO UNDER names of institutions
Language requirements in the Public Service 49, 52-53, 79-80
Language training in the public service 57-59
Letters of understanding iii, 51-52, 97
Linguistic demography 69-70
  first official language spoken 252
  home language 249-251
  mother tongue 249-251
Literacy programs for Francophones in Saskatchewan 189

Mahé case (Alberta) 21, 36, 189
Maison de la Francophonie (Vancouver, B.C.) 174, 191
Manitoba
  acts and orders 37, 187
  bilingual services 87
  community radio 187
  immersion programs 227
  Jourdain case 38
  minority language communities 186-187
  minority language education 187
  minority language rights 31, 37-38
  municipal services 187
  provincial services 40, 180, 186
  Rimmer case 31
  second-language education 227
Marine Atlantic * 139-140
Medical Research Council * 140-141
Meech Lake Accord i, 6, 172, 200-201
Mercure case (Saskatchewan) 5
Minority language communities 19-21, **171-185**
  SEE ALSO UNDER names of provinces and territories
Minority language day care and nursery schools 173, 176
Minority language education iii-iv, 19, 35-37
  Alberta 189-190
  British Columbia 190-191
  Charter of Rights and Freedoms 21-22, 32-37, 175-179
  enrolment by province 260-261
  federal-provincial/territorial agreements 17, 64-65, 174-175
  Manitoba 187
  Newfoundland 210-211
  Northwest Territories 192
  Nova Scotia 208-209
  Ontario 194, 195
  Prince Edward Island 209-210
  Protocol on official languages in education 17, 64-65
  Quebec 176-177, 201-203
Minority language education, post-secondary 178-179
  National Capital Region 22-23
  New Brunswick 207-208
  Nova Scotia 209
  Ontario 194-195
  Quebec 178, 202
  Saskatchewan 188-189
Minority language education, pre-school
  SEE Minority language day care and nursery schools
Minority language media 49-50, 89-90
  complaints 90
New Brunswick, 207
Minority language rights 6, **28-42**
  Alberta 5, 21, 36, 189
  Boudreau case (New Brunswick) 30-31
  British Columbia 31-32
  court proceedings 38-39
  education 21-22, 32-37, 175-179

Gautreau case (New Brunswick) 29-30, 206
Goguen, Hub City Suzuki, Romo Drilling Ltd. case (New Brunswick) 32
Jourdain case (Manitoba) 38
language legislation 263-264
Mahé case (Alberta) 21, 36, 189
Manitoba 31, 37-38
Mercure case (Saskatchewan) 5
New Brunswick 5, 29-32, 40-41, 181, 206, 209
Nima vs. McInnes case (British Columbia) 31-32
Nova Scotia 28-29, 32-33, 209
Ontario 5, 35-36, 40, 180, 193-194
Quebec 5, 20, 33-35, 40-41, 197-199
Rimmer case (Manitoba) 31
Saulnier case (Nova Scotia) 28-29, 209
Saskatchewan 5, 180
Minority official language communities
SEE Minority language communities
Mother tongue 249-251
Mouvement Québec-Français 199
Multicultural Communications Federation 9
Multiculturalism 8-9, 237

National Archives 141-142
National Capital Commission 67, 142-143
National Capital Region
bilingual services 87
bilingualism 23, 67
health and social services 23
minority language education, postsecondary 22-23
participation (equitable) 93, 99-100
promotion of official languages 22
National Core French Study 216
National Defence (Department) * 12, **143-145**
language of work 45
complaints 82
National Health and Welfare (Department) * 145-147
National Library 147
National Museums 147-150
National Research Council 150-151
National Revenue (Customs and Excise) 151-152
National Revenue (Taxation) 152-153
complaints 82-83
New Brunswick
Act recognizing the equality of the two official linguistic communities 5, 41, 181, 208
acts and orders 38
bilingual services 87
Boudreau case 30-31
court proceedings 41, 181, 208
federal-provincial agreement 173-174, 208
Gautreau case 29-30, 206
Goguen, Hub City Suzuki and Romo Drilling Ltd. case 32
health and social services 208
minority language communities 205-208
minority language education, postsecondary 207-208

minority language media 207
minority language rights 5, 29-32, 40-41, 181, 206, 208
municipal services 208
Official Languages Act 5, 205-206
official languages programs 206-207
participation (equitable) ii, 93, 97, 207
provincial services 173-174, 208
second-language education 216, 224-225
Newfoundland
minority language communities 210-2111
minority language education 210-211
second-language education 223
Nima vs. McInnes case (British Columbia) 31-32
Northwest Territories
aboriginal languages 7-8
broadcasting 192-193
minority language communities 192-193
minority language education 192
multilingual services 7-8
Official Languages Act 7-8, 192
second-language education 229
territorial services 192
Nova Scotia
broadcasting 209
federal-provincial agreement 174
immersion programs 224
minority language communities 208-209
minority language education 208-209
minority language education, postsecondary 209
minority language rights 28-29, 32-33, 209
provincial services 174, 209
Saulnier case 28-29, 209
second-language education 223-224

Office de coordination des affaires francophones et de traduction (Saskatchewan) 180
Office de la langue française (Québec) 183, 204
Office of the Chief Electoral Officer 118-119
Office of the Commissioner of Official Languages
and minority language education 177-178
organization chart 241
participation (equitable) 239
promotion of official languages 238-239
publications 238-239, 246-248
resources 239
structure 236-239
Official languages
Gallup poll 3-4
legislation 262-263
Official Languages Act i-ii, 4, 6-7, 31-32, 38-39, 77, 92, 172, 199
regulations ii, iii, 4, 12-16, 47-50
Official Languages Act (New Brunswick) 5, 205-206
Official Languages Act (Northwest Territories) 7-8, 192
Official Languages Community Radio Program 65-66
Official Languages in Education Program 216

Official languages programs ii, 51-52
costs and expenditures 18-19, 254
in Crown corporations 52
recommendations of the Commissioner of Official languages 23-27
Ontario
bilingual services 87
Bill 125 on Francophone representation on school boards 35
broadcasting 197
educational administration 35-36, 195
federal-provincial agreement 173-174
French language school boards 35-36, 195
French Language Services Act 5, 40, 180, 193-194
health and social services 196-197
immersion programs 226-227
minority language communities 193-197
minority language education 194, 195
minority language education, postsecondary 194-195
minority language rights 5, 35-36, 40, 180, 193-194
municipal services 196
provincial services 173-174, 193
second-language education 216, 226-227
second-language teachers shortage 227
Ottawa-Carleton French-language School Board 35, 195

Packaging and labelling iii, 10-11, 76-78
Participation (equitable) in federal institutions **92-100**
Administrative Support category (table) 94, 99-100
Crown corporations 97
in Public Service 93-100, 255
Management category (table) 94
National Capital region 93, 99-100
New Brunswick ii, 93, 97, 207
Office of the Commissioner of Official Languages 239
Quebec iii, 93-94, 97-98, 204
regulations 14, 15
Scientific and Professional category (table) 94
SEE ALSO UNDER names of institutions
Petro-Canada 154-155
Prince Edward Island
agreement with Quebec 174, 210
broadcasting 210
educational administration 210
federal-provincial agreement 173-174, 210
minority language communities 209-210
minority language education 209-210
provincial services 173-174, 181, 210
second-language education 223
second-language teachers training 219
Private sector 17, 66-67
Privatization and official languages iii, 16-17, 90
Privy Council Office iii, 47, 155-156
Professional training in the Public Service 56-57
Promotion of official languages 4, 7, 18
by the Commissioner of Official Languages 234-236

by the Office of the Commissioner of Official Languages 7, 238-239
by the Secretary of State 66-67
Protestant School Board of Greater Montreal 201, 202
Protocol on Official Languages in Education 17, 64-65
Public service
bilingual positions 55-56
bilingual staff 53-55
bilingualism **52-61**, 88-89
bilingualism bonus 19, 60-61
language skills of public servants 55-56
language requirements 49, 52-53, 79-80
language training 57-59
linguistic designation of positions 49, 79-80
participation (equitable) 93-100
professional training 56-57
staff 93
staffing actions 75, 79-80
Public Service Commission 47-60, 93, 95, 99, 156-157
Public Works (Department) 157-158

Quebec
acts and orders 38
agreement with Prince Edward Island 174, 210
bilingual services 87
Bill 107 (School Boards on Linguistic Lines) 35, 177, 202
Bill 142 (Health and Social Services) 5, 20, 174, 180-181, 204
Bill 178 (Language of Signage) 5, 40-41, 197-199
commercial signage 5, 20, 40-41, 197-199
educational administration 176-177, 202
federal-provincial agreement 5, 20, 174, 203
health and social services 5, 20, 174, 180-181, 203
immersion programs 226
intensive English second-language program 225
language of cinema 204
minority language communities 197-205
minority language education 176-177, 201-203
minority language education, postsecondary 178, 202
minority language rights 5, 20, 33-35, 40-41, 197-199
packaging and labelling regulations 10
participation (equitable) iii, 93-94, 97-98, 204
position on Meech Lake accord 200-201
protestant school boards 33-35, 176-177
second-language education 203-204, 216, 225-226
Town of Rosemere 183, 204
Quebec Association of Protestant School Boards case 33-35, 176-177

Research on linguistic issues 69-70
Rimmer case (Manitoba) 31
Rosemere (Quebec)
SEE Town of Rosemere (Quebec)
Royal Canadian Mounted Police * 158-159

Safety and emergency announcements 78

Saskatchewan
educational administration 188
federal-provincial agreement 188-189
literacy programs for francophones 190
Mercure case 5
minority language communities 5, 180, 188-189
minority language education, postsecondary 188-189
minority language rights 5, 180
provincial services 188
second-language education 216, 227-228
second-language teachers training 219
Saulnier case (Nova Scotia) 28-29, 209
Second-language education iv, 19, 22, 215-222
Core French Program 216-217
enrolment 215, 256-259
federal-provincial/territorial agreements 17, 64-65, 176-177, 216
immersion programs 215, 217, 258
letters of understanding 64-65
postsecondary 221
students exchanges 218
teacher shortage 220
teacher training 219-220
SEE ALSO UNDER names of provinces and territories
Second-language retention among immersion graduates **220-222**
Second-language teachers 219-220
Secretary of State ii, 47, **63-70**, 159-160, 172
annual report 17, 64
communication programs on official languages 18, 68
federal-provincial/territorial agreements 17, 64, 173, 216
interdepartmental coordination 65, 173
Official Languages Community Radio Program, 65-66
promotion of official languages 66-67
translation services 62
Significant demand 49
Société des Acadiens et Acadiennes du Nouveau-Brunswick 208
Société franco-manitobaine 186
Solicitor General (Department) 160-161
Staffing actions in the public service
complaints 75, 79-80
Standing Joint Committee on Official Languages 11-12, **43-45**
and census questions on language 11, 44-45
and departmental performance 11-12, 45
Commissioner of Official Languages appearance before 11, 43-44, 234
Statistics Canada 70, **161-162**
and census questions on language 44, 45
Supply and Services (Department) * 79-80, **163-164**
Supreme Court cases and decisions
Mahé case (Alberta) 21, 36, 189
Mercure case (Saskatchewan) 5
Quebec Association of Protestant School Boards case 33-35, 176-177

Town of Rosemere (Quebec) 183, 204
Townshippers Association 205
Translation and Interpretation 61-62

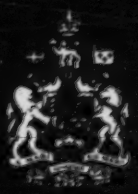
Transport (Department) * iii, 11-12, **164-166**
complaints 78
language of service 45
Treasury Board 47
Treasury Board Secretariat ii, iii, 12-13, **47-52**, 80, 84, 97, 166-167
and official languages program 50-52
annual report 50, 51
letters of understanding 51-52, 97
policies and directives 13-14
regulations under the Official Languages Act ii, iii, 4, 12-16, 47-50
TVOntario 197
TV5 9, 197

University of Moncton 207-208

Via Rail 90, **167-168**
Voluntary organizations 17, 66

Yukon
federal-territorial agreement 174
minority language communities 191-192
second-language education 228
territorial services 191-192

COMMISSAIRE AUX LANGUES OFFICIELLES
COMMISSIONER OF OFFICIAL LANGUAGES



RAPPORT ANNUEL 1989

De la Loi au Renouveau ?

LES LANGUES OFFICIELLES AU CANADA : DES IDÉES, DES ÉVÉNEMENTS...

Procurez-vous des tirés à part du *Rapport annuel 1989* ou un exemplaire d'une de nos publications.

Tirés à part

LES MINORITÉS – PERSPECTIVE D'ENSEMBLE : QUELQUES PERCÉES DANS UN CLIMAT TROUBLE

La situation des minorités de langue officielle dans chacune des provinces ; les politiques et les éléments marquants de l'année.

L'ENSEIGNEMENT DE LA LANGUE SECONDE –
VUE D'ENSEMBLE : LES PARADOXES DE LA CROISSANCE

Une vue d'ensemble de la politique et survol régional des progrès en matière de l'enseignement de la langue seconde.

LE COMMISSARIAT – PRÉPARER L'AVENIR : EXPLICATION ET TRANSITION

Une vue d'ensemble des diverses composantes du Commissariat avec un résumé des activités de 1989 et certaines annexes portant sur divers aspects des langues officielles.

Publications

LANGUE ET SOCIÉTÉ

Une publication trimestrielle qui reflète le vécu linguistique des Canadiens, les informe sur ce qui se passe dans le domaine des langues officielles sur la scène nationale et régionale et qui cherche à favoriser le dialogue.

LES QUESTIONS LINGUISTIQUES VOUS INTÉRESSENT ?

Un répertoire des publications, des affiches et du matériel audiovisuel disponibles sur demande au Commissariat. (Bon de commande inclus.)

BON DE COMMANDE

Veuillez m'expédier (indiquer la quantité* requise dans la case appropriée) :

- Les minorités – Perspectives d'ensemble : quelques percées dans un climat trouble ☐
- L'enseignement de la langue seconde – Vue d'ensemble : les paradoxes de la croissance ☐
- Le Commissariat – Préparer l'avenir : explication et transition ☐
- Langue et Société ☐
- Les questions linguistiques vous intéressent ? ☐

M. ☐ Mme ☐ Mlle ☐

Nom

Titre ou profession

Organisme ou école

Adresse

Ville Province

Code postal Numero de téléphone

Langue de la correspondance : français ☐ anglais ☐

* Le Commissariat aux langues officielles se réserve le droit de limiter le nombre d'exemplaires expédié. Pour recevoir plus d'un exemplaire, veuillez en indiquer l'utilisation prévue.

Retournez le bon de commande à la : **Direction des communications**
Commissariat aux langues officielles
Ottawa, Canada K1A 0T8

R89

COMMISSAIRE AUX LANGUES OFFICIELLES

COMMISSIONER OF OFFICIAL LANGUAGES

RAPPORT ANNUEL 1989

©Ministre des Approvisionnements et Services Canada 1990
N° de cat. SF1-1989
ISBN 0-662-57215-7

Remarque : *Dans cette publication, les termes de genre masculin utilisés pour désigner des personnes englobent à la fois les femmes et les hommes.*

Monsieur le Président
du Sénat
Ottawa

Monsieur le Président,

Conformément à l'article 66 de la *Loi sur les langues officielles*, je soumets au Parlement, par votre intermédiaire, le dix-neuvième Rapport annuel du Commissaire aux langues officielles qui se rapporte à l'année civile 1989.

Je vous prie d'agréer, Monsieur le Président, l'assurance de ma très haute considération.

Le Commissaire aux langues officielles,

D'Iberville Fortier

Avril 1990

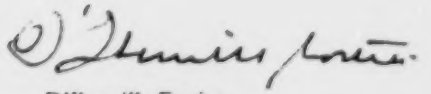
Monsieur le Président
de la Chambre des communes
Ottawa

Monsieur le Président,

Conformément à l'article 66 de la *Loi sur les langues officielles*, je soumets au Parlement, par votre intermédiaire, le dix-neuvième Rapport annuel du Commissaire aux langues officielles qui se rapporte à l'année civile 1989.

Je vous prie d'agréer, Monsieur le Président, l'assurance de ma très haute considération.

Le Commissaire aux langues officielles,



D'Iberville Fortier

Avril 1990

TABLE DES MATIÈRES

Avant-propos : de la Loi au Renouveau ? i

PARTIE I **PANORAMA 89**

1. Affaires d'État :
   espoirs déçus 3

2. Les droits linguistiques :
   petit à petit 31

3. Comité mixte permanent des langues officielles :
   « suivre l'application de la Loi » 48

4. Politiques et programmes :
   un engin à deux vitesses

   a. Les agences centrales 52

   b. L'appui aux minorités, la promotion des langues officielles et la recherche 70

PARTIE II **ANALYSE**
L'ÉGALITÉ DANS LES INSTITUTIONS FÉDÉRALES
Clopin clopant

Introduction
L'ombudsman et le citoyen :
on se plaint à juste titre 81

1. Langue de service :
   ça grouille pas vite ! 93

2. Participation équitable :
   « tendre à refléter » 101

3. Langue de travail :
   hibernation prolongée 111

PARTIE III **ÉVALUATION**
DE CINQUANTE INSTITUTIONS
Mise en œuvre au compte-gouttes 119

PARTIE IV LA CHRONIQUE MINORITAIRE

1. Perspective d'ensemble : quelques percées dans un climat trouble 191
2. Province par province : par monts et par vaux 207

PARTIE V L'ENSEIGNEMENT DE LA LANGUE SECONDE

1. Vue d'ensemble : les paradoxes de la croissance 239
2. Survol régional : on s'interroge à bon escient 249

ANNEXES

A Le Commissariat
1. Préparer l'avenir : explication et transition 259
2. Tableaux : données sur les plaintes, rapports de vérification et liste des publications 269

B Données linguistiques du recensement : nouveaux profils linguistiques 276

Tableaux

C Coût des programmes des organismes fédéraux et participation dans la fonction publique 280

D Données sur les programmes d'enseignement de la langue seconde et dans la langue de la minorité 282

E Les principales lois canadiennes en matière de langues officielles 288

INDEX 292

Avant-propos : de la Loi au Renouveau ?

Le lecteur retrouvera naturellement dans ce rapport notre insistance sur la mise en œuvre prompte et systématique de la nouvelle *Loi sur les langues officielles*. Certains se demanderont peut-être s'il convient vraiment de se préoccuper tellement de la langue de l'équipage lorsque le bateau risque de couler. Une telle question révélerait, à notre avis, un pessimisme exagéré et une dangereuse incompréhension de l'importance de l'enjeu de l'égalité des langues officielles.

Pessimisme exagéré parce que l'histoire réserve quelquefois des surprises quand les échéances se rapprochent. On ne détruit pas si facilement l'œuvre que l'on a mis 120 ans à construire et dont les 20 dernières ont enfin permis de trouver certains équilibres nouveaux et prometteurs. Nous sommes convaincus qu'ils contribueront puissament à conserver aux gens du pays leur tolérance et leur volonté de vivre ensemble.

Est-ce à dire que la *Loi sur les langues officielles*, nettement améliorée, puisse tenir lieu de solution au problème constitutionnel ? Certes non. Nous écrivions ailleurs que si l'Accord du lac Meech n'existait pas, il faudrait l'inventer. Peut-être faudra-t-il le réinventer. Dans notre perspective, la reconnaissance du caractère distinct de la société québécoise s'impose comme un constat qui doit être suivi d'effets, tout en respectant les droits fondamentaux. Cette reconnaissance est doublée dans l'Accord de l'engagement de protéger notre dualité linguistique partout au Canada. Cela aussi est important. Nous pensons que la boucle amorcée, il y a vingt ans, doit être bouclée, que le Québec doit réintégrer sans retard la famille constitutionnelle et que l'Accord, s'il parvient à être sauvé dans sa forme actuelle, devra être subséquemment complété et amélioré, en particulier en ce qui concerne le traitement des minorités.

Quant au manque de compréhension de l'importance pour ce pays d'appliquer intégralement et promptement la nouvelle loi, nous en donnons d'abondantes preuves dans ce rapport. Malgré le large consensus qui l'a accueillie, sa mise en œuvre est généralement indolente. D'une partie du public viennent parfois les attaques

souvent perfides de ceux, d'une langue ou de l'autre, qui ne se sont pas encore ralliés à la vision d'un nouveau partenariat largement fondé sur la reconnaissance de notre dualité linguistique. Cette loi, directement inspirée de notre *Charte canadienne des droits et libertés*, donne en effet à notre dualité un sens élargi qui rejoint la pensée des sages de la Commission Laurendeau-Dunton. Au-delà de l'égalité proclamée dans les institutions fédérales, elle engage le gouvernement à appuyer le développement des minorités et, grâce à la promotion de l'apprentissage du français et de l'anglais, à faciliter le dialogue entre les communautés.

La plus que lente mise en œuvre de la Loi

De la période qui se sera écoulée entre le début des années 80 et celui de la décennie 90, l'historien risque de retenir que l'élaboration d'une nouvelle loi, puis les préparatifs de sa mise en œuvre, semblent avoir servi d'alibi dans de nombreux secteurs pour reporter à plus tard la réforme concrète du régime linguistique à laquelle elle visait. La lecture de ce rapport montrera, notamment, qu'à quelques louables exceptions près, l'ère du renouveau se fait attendre. Nos analyses révèlent que la *Loi sur les langues officielles* de 1988 n'a encore eu que peu d'effet dans au moins 80 p. 100 des institutions fédérales. S'il faut, en effet, compter environ trois ans entre l'adoption de la Loi et l'entrée en vigueur des premiers règlements qui en découlent, combien faudra-t-il de temps avant que l'ensemble de ses dispositions prenne pleinement effet ? Notre rapport pour 1988 s'intitulait *De la Loi au Renouveau*. Celui-ci s'est vu conféré le même titre ..., mais il est suivi cette fois d'un point d'interrogation qui en dit long. Car ce Renouveau, nous l'attendons toujours en ce qui a trait au bilinguisme de l'administration fédérale. Nous entendons ici, en particulier, l'égalité linguistique prescrite par la Loi quant au service au public dans sa langue et le choix de la langue de travail par les employés de l'État dans les régions désignées à cet effet. Nous attendons aussi depuis longtemps le redressement de certains déséquilibres en matière de participation équitable des membres des deux communautés linguistiques au service de l'État, de ses ministères et de ses sociétés. Pourquoi ces retards inadmissibles ? Si c'est parce que l'on craint les réactions négatives, l'on a tort. Il faut avoir le courage d'y faire face. Il ne s'agit pas après tout de faire la révolution !

Parmi les exceptions à la règle, nous pouvons nous féliciter de ce que les budgets affectés aux programmes des langues officielles aient relativement moins souffert que d'autres des contractions budgétaires. Nous retenons aussi, et quoiqu'il reste beaucoup à faire, que le Secrétariat d'État a poursuivi sa lancée de 1988. Les effets de son action rajeunie ont commencé de se faire sentir en plusieurs lieux, grâce aux accords conclus avec les provinces et à d'autres initiatives. La réalisation de ses projets pour 1990 dans le domaine de l'information, apporterait une contribution appréciée. Le Secrétariat du Conseil du Trésor n'a ménagé ses peines ni pour la rédaction des premiers règlements prévus par la Loi, ni pour la négociation accélérée de protocoles d'entente avec certaines institutions fédérales. L'offre active de services bilingues, du moins sous la forme écrite, a

fait un léger bond. Le taux de participation des francophones du Nouveau-Brunswick à la fonction publique fédérale dans cette province s'est améliorée de façon sensible. De plus, l'éventualité du recours judiciaire prévu par la Loi semble avoir eu un effet des plus bénéfiques sur la résolution positive de nos dossiers de plaintes. En effet, une étude portant sur un échantillon de 383 dossiers en 1989 a démontré que le taux de redressement, suite à des infractions, est passé de 50 p. 100 à 74 p. 100 depuis l'entrée en vigueur de la nouvelle loi. Enfin, certaines institutions fédérales se sont signalées par leur bonne volonté à l'endroit des administrés.

Pour le reste, particulièrement le service au public qui est le critère par excellence, la scène fédérale est décevante ... c'est le pas de la tortue. Le Bureau du Conseil privé, dont le bras est si long, ne semble guère avoir donné à temps le coup de pouce espéré. Si l'on prend pour baromètre les suites données à l'ébauche du plan directeur présenté dans notre rapport pour 1988, dont la teneur n'a pas été contestée par les autorités, la pression est basse et ... déprimante. L'information diffusée sur la nouvelle loi a été des plus chétives, tant à l'intérieur qu'à l'extérieur du gouvernement. Elle a nettement manqué de coordination et n'a nullement contré la désinformation à laquelle certains groupes et individus se livraient sans vergogne. À défaut d'avoir pu présenter les premiers projets de règlements prévus par la Loi — qui bien sûr, ne se prêtaient pas à l'improvisation — le Secrétariat du Conseil du Trésor, ignorant la notion de directives provisoires ou permanentes selon les cas, a laissé planer un flou pas très artistique sur les obligations immédiates des ministères. Ceci s'applique encore davantage aux sociétés d'État qui n'ont pas reçu de directives précises depuis 1980. Cela est très grave pour quelqu'un qui se préoccupe plus des résultats que des systèmes. Le plan d'action pour la production de l'ensemble de la réglementation prévue par la Loi, s'il existe, ne nous a pas été communiqué.

En attendant Godot ou son cousin bureaucrate, le rendement général des institutions fédérales en matière linguistique a marqué le pas lorsqu'il n'a pas régressé. Le net accroissement des plaintes en atteste. L'offre active bilingue devenue une obligation formelle, là où elle s'impose, n'a atteint de façon satisfaisante ni l'offre en personne, ni les services téléphoniques. Les protocoles d'entente conclus avec plusieurs institutions fédérales ne touchent encore qu'une faible partie de la fonction publique et aucun des employés des sociétés d'État. Dans bon nombre de cas, ils présentent d'importantes carences quant aux mesures de contrôle. Les dispositions de la Loi, en ce qui a trait à la sécurité du public, elles aussi impératives, n'ont été abordées énergiquement jusqu'ici que par Transports Canada; ailleurs, on ne voit rien venir. Rien n'a été fait pour qu'elles affleurent au niveau si important de l'étiquetage, malgré le contexte mouvant créé par l'entrée en vigueur de l'Accord de libre-échange. La décision gouvernementale, de traiter cas par cas la question du régime linguistique des services après la privatisation d'une entreprise, donne des résultats souvent négatifs, au moins dans le cas des Postes et des filiales d'Air Canada. Une très légère avance, en ce qui a

trait à la participation des francophones aux postes de cadre de la fonction publique, a laissé stagnant le bas taux de participation des anglophones à la fonction publique fédérale au Québec et ceci, malgré le diktat du Gouverneur en conseil lui-même. Pour ce qui est de la région de la capitale nationale, nous retenons notre souffle. Lisez le rapport et vous verrez, comme on dit, tout cela et beaucoup plus encore.

À l'échelle de la fédération, certains progrès ont été accomplis, mais le climat général s'est assombri. Les progrès sont restés d'une extrême lenteur dans le domaine de l'instruction en langue minoritaire dans la plupart des provinces. Plusieurs d'entre elles ont cependant pris des mesures pour mieux servir leur minorité de langue officielle. D'intéressantes perspectives se présentent, assorties de divers problèmes, quant à l'enseignement, comme langues secondes, de nos langues officielles.

La structure du rapport

Nous avons maintenu pour ce rapport, la structure traditionnelle en cinq parties complétées par des annexes sur le Commissariat, des données du recensement, de nombreux tableaux statistiques et un index. Comme nous l'avions annoncé l'an dernier, notre rapport pour 1988 sert encore de base pour l'explication de la *Loi sur les langues officielles* et présente au complet notre ébauche de plan directeur pour sa mise en œuvre. Le degré d'exécution de ce plan, comportant une soixantaine de recommandations, fait l'objet d'évaluations tout au long du présent rapport et continuera à nous servir de point de repère à l'avenir. Le panorama pour 1989 paraît en Partie I au chapitre 1, alors que le chapitre 4 livre nos appréciations sur le rôle et les activités des institutions qui ont la responsabilité de diriger, de coordonner et de contrôler les suites réservées à la Loi par l'ensemble des organismes fédéraux. Enfin, ce rapport a le mérite d'être plus court que le précédent.

D'I.F.
30 janvier 1990

PARTIE I

Panorama 8

1. Affaires d'État : espoirs déçus

Dans les pages qui suivent, nous nous penchons en premier lieu sur les grandes questions nationales touchant la dualité linguistique. Nous examinons ensuite le rendement du gouvernement fédéral dans la mise en œuvre de la *Loi sur les langues officielles* au sein des institutions fédérales. Nous offrons un survol des efforts accomplis pour renforcer la vitalité de nos communautés de langue minoritaire et pour favoriser la pleine reconnaissance du français et de l'anglais au sein de la société canadienne. Enfin, le chapitre se termine par une évaluation des mesures prises pour mettre en œuvre les 60 recommandations que nous avons énoncées, dans le rapport annuel de l'an dernier, sous le titre « Les clés du succès : pour un plan directeur ».

Questions nationales

Pour les nombreux Canadiens qui croient que la dualité linguistique constitue l'une de nos valeurs fondamentales, l'année 1989 s'est avérée très difficile. Ceux qui ne se livraient pas à un examen de conscience à propos de l'Accord du lac Meech, ou qui n'étaient pas occupés à en débattre la portée et le sens — souvent avec âpreté — étaient appelés à défendre notre régime bilingue contre de bruyants adversaires. L'atmosphère était souvent sombre : nos deux communautés linguistiques, loin de se rapprocher, donnaient l'impression de s'éloigner l'une de l'autre. Ce malaise était-il le signe d'un surmenage du bilinguisme ? L'évolution récente de la question linguistique incitait-elle bon nombre de citoyens ordinairement tolérants à remettre en question leur appui ou, pis encore, à renoncer au rêve national qui les a longtemps habités ?

Le climat actuel

Plusieurs sondages réalisés en 1989 nous donnent, pour l'instant, les premiers éléments d'une réponse. La majorité des Canadiens continuent de croire que la dualité linguistique est un trait positif de la société canadienne. Tout naturellement, l'appui qu'on lui accorde varie d'une région à l'autre : relativement marqué à l'Est, il est moins prononcé à l'Ouest où les francophones sont moins nombreux.

Au cours d'un sondage Gallup réalisé en septembre à l'échelle du pays, on a demandé aux citoyens si leur province devrait reconnaître le français et l'anglais comme langues officielles afin de fournir des services provinciaux dans les deux langues. La question, qui faisait également partie d'un sondage Gallup en 1987, est posée en termes on ne peut plus explicites : la reconnaissance des deux langues y est présentée comme le fondement des services bilingues. Si l'on s'était montré moins exigeant en demandant s'il fallait fournir des services bilingues sans parler de « reconnaissance officielle », on aurait peut-être obtenu une réponse encore plus favorable.

Tableau I.1

Réponses d'adultes canadiens à la question : « Êtes-vous d'avis que cette province devrait avoir deux langues officielles – le français et l'anglais – de façon à ce que les services gouvernementaux soient offerts dans ces deux langues ? »

	Oui %		Non %		Ne sait pas %	
	1989	1987	1989	1987	1989	1987
Canada	51	52	47	45	2	3
Atlantique	57	66	42	34	1	-
Québec	65	73	32	23	2	4
Ontario	53	49	45	48	2	3
Prairie	38	33	60	63	3	4
Colombie-Britannique	26	29	72	70	2	2

Source : Sondage Gallup

La majorité des Canadiens ont continué d'appuyer la dualité linguistique et les droits de la minorité. De toute évidence, cependant, les mesures prises par le gouvernement fédéral, par plusieurs gouvernements provinciaux et par de nombreuses administrations municipales pour tenir compte de la dualité linguistique sur leurs territoires ont suscité certaines tensions. Voici quelques-uns des événements et des questions brûlantes que nous abordons de façon plus détaillée dans d'autres chapitres.

- En juillet 1988, le Parlement a adopté une nouvelle *Loi sur les langues officielles* visant à concrétiser les garanties constitutionnelles énoncées dans la *Charte canadienne des droits et libertés*. Cependant, à la fin de 1989, on n'avait toujours pas déposé, comme on s'y était engagé, les propositions de règlements qui doivent, selon la Loi, régir les communications avec le public et la prestation des services à ce dernier. Au premier anniversaire de la Loi, le Commissaire a souligné l'inertie du gouvernement qui tarde à donner une portée concrète aux droits accordés.

- Le 1er janvier 1990, les dispositions du Code criminel, qui garantissent à un accusé ou à un témoin le droit d'être entendu par un juge (ou par un juge et un jury) qui parle sa langue, sont entrées en vigueur dans toutes les provinces.

- Plusieurs ententes fédérales-provinciales sur la promotion des langues officielles furent signées, dont une entente-cadre avec la Nouvelle-Écosse.

- En Alberta et en Saskatchewan, les relations entre les minorités francophones et les gouvernements provinciaux ont été gravement perturbées à la suite de la décision de la Cour suprême dans l'affaire Mercure, portant sur le statut du français comme langue officielle de la province. La décision de ces provinces d'abolir certains droits historiques suscite toujours beaucoup d'amertume chez un grand nombre de francophones. La Saskatchewan s'est efforcée de redresser la situation dans une certaine mesure, notamment en entreprenant d'améliorer et d'élargir l'enseignement offert à la minorité. Nous espérons que le gouvernement de l'Alberta suivra la même voie.

- Le Québec, mû par des raisons complexes relevant de l'insécurité linguistique, a invoqué en décembre 1988 la clause nonobstant de la *Charte canadienne des droits et libertés* pour adopter la loi 178 sur la langue de l'affichage. Ce geste a provoqué de violents remous qui se sont prolongés jusqu'aux élections provinciales de septembre, et bien au-delà. Sur le plan positif, en mai, le gouvernement du Québec signait avec le gouvernement du Canada une entente visant à accélérer la mise en œuvre de la loi 142, qui garantit l'accès aux services sociaux et de santé en anglais ; ces services viennent s'ajouter à un important ensemble de services provinciaux offerts en anglais.

- Après une période de préparation de trois ans, la *Loi sur les services en français* de l'Ontario est entrée en vigueur le 19 novembre. Cette loi garantit l'offre de services provinciaux en français au sein de l'Assemblée législative et de l'administration centrale des organismes provinciaux, ainsi qu'à la minorité francophone dans 22 régions désignées.

- Le gouvernement du Nouveau-Brunswick a pris de nouvelles mesures pour assurer l'application de la *Loi sur les langues officielles* de la province. De plus, le premier ministre McKenna a annoncé qu'il était disposé à intégrer à la Constitution canadienne les principes de la loi 88 qui reconnaît l'égalité des deux communautés de langue officielle de la province.

- Plusieurs autres provinces, dont le Manitoba et l'Île-du-Prince-Édouard, ont annoncé des améliorations aux services offerts en français.

Quelques-uns de ces événements sont regrettables (c'est le moins qu'on puisse dire) ; les autres, d'après nous, sont encourageants. Du reste, c'est justement parce que l'évolution de la question linguistique en 1989, et depuis vingt ans, a

été marquée par d'impressionnants progrès que les reculs récents — lois linguistiques de l'Alberta et de la Saskatchewan, loi sur l'affichage au Québec — produisent un tel effet de choc. Nous continuons d'espérer et de recommander vivement que ces injustices seront réparées avec le temps. Il ne faut pas oublier qu'il y a vingt ans, chacune des initiatives actuelles en faveur des droits de la minorité aurait paru impossible. Autre fait témoignant de notre sagesse croissante en matière de relations linguistiques : les réactions à ces événements n'ont pas outrepassé, dans la plupart des cas, les limites du débat civilisé. Cependant, il est certain que même aujourd'hui, la voie de la dualité linguistique — comme celle du véritable amour — est semée d'embûches.

L'Accord du lac Meech

Si nous continuons d'appuyer l'Accord du lac Meech, c'est qu'il reconnaît que la dualité linguistique constitue, à l'échelle du pays, une « caractéristique fondamentale » du Canada, et qu'il comprend la notion du Québec comme « société distincte ». Le rapport préliminaire de la Commission B.B. insistait sur ce point il y a 25 ans :

> « Il résulte de cet ensemble de faits un leadership québécois pour la promotion de la langue et de la culture françaises au Canada, quelle que soit la solution politique qui l'emporte en définitive. Cela résulte, non des idéologies ou d'un quelconque messianisme, mais de la nature des choses. Dans ce sens, il est évident et indiscutable que le Québec n'est pas *une province comme les autres.* »

Les auteurs poursuivent :

> « Tout ce que nous avons vu et entendu nous a convaincus que le Canada traverse la période la plus critique de son histoire, depuis la Confédération. »

À la fin de l'année, Robert Stanfield se faisait l'écho de ces mots prophétiques en déclarant : « Jamais je n'ai craint autant pour l'avenir de mon pays. » Il n'est pas le seul à croire que le péril est imminent.

À nos yeux, l'argument selon lequel la clause de la « société distincte » est une disposition *interprétative*, par laquelle on reconnaît une incontournable réalité linguistique et culturelle qui caractérise le Canada depuis deux siècles, est logique et convaincant. D'après nous, cette clause confirme pour l'avenir un statut qui a existé, d'une manière ou d'une autre, depuis le début. Nos réserves, formulées pour la première fois dans notre *Rapport annuel 1987*, touchent essentiellement la faiblesse du rôle attribué au Parlement et aux Assemblées provinciales : on leur demande de « protéger » — en anglais simplement de « préserver » — la dualité linguistique au lieu de la promouvoir. Nous ne croyons pas que la clause de la société distincte accorderait au gouvernement du Québec le pouvoir d'abolir des droits fondamentaux. C'est la clause nonobstant de la *Charte canadienne des droits et libertés* qui confère déjà ce droit à toutes les provinces.

Dans le *Rapport annuel 1988*, nous avons officiellement recommandé une solution en matière de droits des minorités et de promotion de la dualité linguistique au Canada. Au cours d'une des prochaines conférences constitutionnelles, le gouvernement fédéral proposerait aux provinces l'adoption d'une formule visant à appuyer le développement des minorités francophone et anglophone et à réduire l'écart actuel entre le statut des deux langues officielles en étendant la prestation de services dans la langue de la minorité. Nous croyons qu'une telle formule renforcerait la protection accordée à la dualité linguistique par la Charte et la *Loi sur les langues officielles* de 1988.

Communications

Nous serions heureux d'annoncer que les dirigeants politiques et les mandarins d'Ottawa ont pris à cœur le message du Premier ministre affirmant que « l'égalité linguistique est le ciment de l'unité canadienne ». Malheureusement, la *Loi sur les langues officielles* de 1988 est apparemment restée invisible à la plupart des bureaucrates. Depuis un an et demi, nous n'avons guère vu d'indices témoignant de l'existence d'un programme de communications pour expliquer la philosophie et les objectifs de la réforme du régime linguistique en général, et les droits particuliers proclamés et garantis par la Loi. Nous recommandions l'an dernier la mise en œuvre d'un tel programme parce que nous savons que bon nombre de Canadiens éprouvent de légitimes inquiétudes et méritent que l'on réponde honnêtement à leurs questions. Nous savons également que les voies et les moyens empruntés pour réaliser la réforme du régime linguistique sont équitables et qu'un dialogue ouvert permet de le démontrer.

Plus d'un député s'est tourné cette année vers le Commissaire pour lui demander des renseignements ou des conseils que le gouvernement ou son parti devrait être le premier à lui fournir, étant donné l'appui indéfectible accordé par les trois partis fédéraux à la *Loi sur les langues officielles* de 1988. Au moyen d'une brochette de produits d'information, nous avons voulu faire notre part pour faire connaître le message de la Loi touchant la réforme ; nous avons également prêché la bonne nouvelle et répondu à nos détracteurs de façon publique, en prononçant des discours et en nous adressant aux médias. De plus, comme nous le verrons plus loin, le Secrétariat d'État a pris un certain nombre de mesures valables au chapitre de l'information. Cependant, l'appareil du gouvernement avait la possibilité et a le devoir d'en faire davantage… et il doit s'y mettre sans plus tarder. En montrant la voie de façon dynamique, par des discours, des entrevues et des lettres aux journaux, on contribuera grandement à convaincre les Canadiens de l'importance de la nouvelle loi. Le gouvernement fédéral devrait également faire paraître des annonces, des brochures et d'autres produits de communication visant à expliquer la Loi aux citoyens et manifester, en ce domaine, la même imagination créatrice qu'il a déployée pour faire connaître la nouvelle *Loi sur le multiculturalisme*.

En plus de l'absence d'information, nous remarquons l'existence d'information erronée circulant sur la dualité linguistique et qui n'a pas été rectifiée. L'introduction de règlements nécessairement complexes sur le service et les communications bilingues risque d'ajouter à la confusion. Sans un effort important pour

mieux communiquer les objectifs de la réforme du régime linguistique — notamment de la part des dirigeants politiques qui ont voté pour la Loi — le doute peut s'installer chez les plus confiants. En ce domaine, les intervenants fédéraux auraient peut-être intérêt à suivre l'exemple de leurs collègues provinciaux, notamment en Ontario et au Nouveau-Brunswick, qui sont intervenus à titre personnel en mettant leur courage, leur crédibilité et leur conviction au service de la promotion de la réforme du régime linguistique. Au sein du gouvernement fédéral, un engagement semblable en matière d'information rappellerait aux cadres supérieurs que leurs efforts (ou leur indolence) ne passeront pas inaperçus. Mais l'inspiration et la motivation qu'on susciterait ainsi seraient encore plus importantes, et on redonnerait courage aux nombreux Canadiens qui, depuis vingt ans, ont choisi — pour eux-mêmes et pour leurs enfants — la voie de la compréhension et de l'égalité linguistique.

Si nos dirigeants espèrent achever la réalisation de ce rêve national, ils doivent trouver le moyen d'amener nos concitoyens de langue française et anglaise à s'entretenir de leurs expériences et de leurs objectifs communs et à prêter de nouveau à l'autre, avec franchise et bonne volonté, une oreille attentive.

Le bilinguisme et les langues autochtones

La *Loi sur les langues officielles* des Territoires du Nord-Ouest fait du français et de l'anglais les langues officielles de la région, et reconnaît en même temps sept langues autochtones officielles. Fournir des services gouvernementaux en neuf langues : voilà un défi dont nous mesurons l'étendue, nous qui connaissons toutes les difficultés qui se présentent quand il n'y en a que deux. En reconnaissance de cette situation, le gouvernement fédéral a accepté de verser des fonds pour la mise en œuvre des services en langue française, et on a entrepris des pourparlers touchant l'octroi de fonds supplémentaires pour la mise en œuvre des services dans les langues autochtones. Adoptée en 1984, la Loi a été modifiée en 1986 afin de retarder l'entrée en vigueur des dispositions touchant les services en français. On prévoit actuellement la mise en œuvre de ces services à la fin de 1990. Il semble cependant qu'on ne sera pas encore en mesure d'offrir, au même moment, les services correspondants dans les langues autochtones. Certains membres de l'Assemblée territoriale ont donc proposé que le gouvernement reporte encore la mise en œuvre des services en français, parce qu'à leur avis, il ne conviendrait pas de les offrir avant que les services dans les langues autochtones ne soient offerts. Cependant, pour modifier la date de la mise en œuvre des services en français, il faudrait obtenir l'autorisation du Parlement, ce qui susciterait de la part des francophones une légitime opposition. Nous sommes tout à fait favorables à ce que l'on reconnaisse les droits linguistiques des peuples autochtones des Territoires ; toutefois, il importe également de reconnaître que la mise en œuvre de ces droits comporte des problèmes particuliers et complexes, qui ne doivent pas constituer un obstacle à la réalisation — longtemps attendue — de la promesse d'offrir des services en français. Le gouvernement des Territoires n'a pas encore indiqué s'il comptait demander un nouveau délai, préférant attendre l'issue de négociations avec le gouvernement fédéral.

Bilinguisme et multiculturalisme

Dans le sillage de l'adoption en 1988 de la *Loi sur le multiculturalisme*, on prépare actuellement la création d'un nouveau ministère du multiculturalisme et de la citoyenneté. On prévoit que le ministre d'État responsable de la Loi déposera en février 1990 son premier rapport annuel sur la mise en œuvre de celle-ci. D'autre part, on a déposé en septembre 1989 un projet de loi prévoyant la création de l'Institut canadien des langues patrimoniales ; cet organisme aura pour but de favoriser, à travers le Canada, l'acquisition, le maintien et l'emploi des langues du patrimoine.

Ces mesures sont excellentes, mais leur but, malheureusement, n'est pas toujours parfaitement compris. À la lumière des commentaires réitérés et parfois agressifs formulés dans les médias sur la relation entre le multiculturalisme et l'identité canadienne, nous regrettons que l'on n'ait pas cherché plus énergiquement à mettre en œuvre notre recommandation touchant l'harmonisation des politiques fédérales des langues officielles et du multiculturalisme. Ainsi, la création de l'Institut canadien des langues patrimoniales constitue l'occasion rêvée d'encourager le dialogue sur les rapports entre les langues du patrimoine et les langues officielles. Malheureusement, le projet de loi ne comportait aucune mention précise de tels besoins sur le plan de la communication. Nous avons attiré l'attention du Secrétariat d'État sur cette lacune alors qu'il était encore temps de la combler.

Plusieurs associations de langue minoritaire et multiculturelles sont sensibles à la nécessité d'un dialogue et ont pris des mesures pour rapprocher leurs communautés respectives. La Fédération des francophones hors Québec, par exemple, a commandé une étude nationale des interactions entre les groupes multiculturels et les francophones à l'extérieur du Québec. L'Association canadienne-française de l'Alberta élabore sa propre politique en matière de multiculturalisme. L'Association multiculturelle francophone de l'Ontario, fondée en 1988, travaille activement à promouvoir les intérêts de ceux qu'elle représente dans le domaine social et dans celui de l'éducation. La Fédération des groupes ethniques du Québec inc. joue un rôle semblable depuis 1972. Chez de nombreux groupes multiculturels, la nécessité d'efforts pour trouver un terrain d'entente constitue aujourd'hui une question fondamentale. La raison en fut énoncée avec éloquence et simplicité par la Multicultural Communications Foundation, dans la livraison d'octobre de son mensuel *Prairie Link* : « Si nous sommes incapables d'être un pays bilingue, comment alors espérer que nous serons un pays multiculturel ? » [Notre traduction] Nous aimerions que le gouvernement fédéral reprenne à son compte et transmette avec énergie ce message limpide.

D'autre part, l'Association canadienne de syndics des écoles a mis en relief un problème de plus en plus grave auquel il faut accorder une plus grande attention : l'enseignement d'une langue officielle aux immigrants, aux réfugiés et à leurs enfants. L'intégration de ces enfants par des systèmes scolaires disposant de ressources limitées comporte des difficultés considérables, et elle s'inscrit dans

un contexte plus large : celui de leur intégration, et celle aussi de femmes immigrantes qui n'ont pas accès à la formation linguistique nécessaire, à la société canadienne. Lorsqu'ils ne peuvent acquérir une connaissance suffisante du français ou de l'anglais, les conséquences peuvent être douloureuses non seulement pour eux, mais pour l'ensemble de notre société.

La radiodiffusion

À l'exception de la radio communautaire de langue minoritaire, qui a continué de croître, le paysage de la télédiffusion n'a pas beaucoup changé cette année. Le 12 octobre, le gouvernement déposait en Chambre une version légèrement remaniée du projet de loi C-40 (*Loi sur la radiodiffusion*) et, au début de novembre, il annonçait l'allocation à la Société Radio-Canada de nouveaux crédits de 81 millions de dollars au cours des cinq prochaines années, compensant ainsi, dans une certaine mesure, les coupures de 140 millions annoncées dans le budget d'avril.

À la demande du Conseil de la radiodiffusion et des télécommunications canadiennes (CRTC), la Société Radio-Canada s'est employée à préparer un plan d'action pour l'amélioration des services radiophoniques aux francophones hors du Québec, mais à la fin de l'année, on n'avait toujours pas dévoilé ce plan. Nous nous attendions cette année à ce que la Société élargisse et améliore les services aux communautés minoritaires de langue officielle, en augmentant notamment la programmation locale. Nous sommes cependant conscients du fait que la mise en œuvre de la recommandation que nous avons formulée à ce sujet dans le *Rapport annuel 1988* dépendait de l'octroi de fonds supplémentaires. À l'heure actuelle, les capitales territoriales de Yellowknife et Whitehorse, entre autres, sont moins optimistes qu'elles ne l'étaient au sujet de la mise en œuvre immédiate d'un service de télédiffusion en langue française.

Le lancement du canal satellite-câble Newsworld de Radio-Canada s'est effectué sans problème, mais le CRTC a rejeté le projet de sa contrepartie francophone. Et malgré la multiplication des canaux offerts aux abonnés de la télédistribution au Canada, le nombre de canaux qui est consacré aux services dans la langue officielle minoritaire reste malheureusement très réduit dans de nombreuses régions. La chaîne internationale de langue française TV5 est offerte par un nombre croissant de télédistributeurs, mais beaucoup de systèmes se contentent toujours d'un seul canal de télévision en langue française, celui de Radio-Canada.

Bien que le Comité permanent des élections, des privilèges, de la procédure et des affaires émanant des députés ait étudié, entre autres, la question d'un élargissement des services du canal parlementaire, on n'a constaté aucune amélioration visible de l'accès des communautés minoritaires, dans leur propre langue, aux débats télédiffusés de la Chambre des communes.

Le CRTC, autorité chargée de la réglementation, se montre assez insouciant au chapitre des services offerts par les télédistributeurs aux minorités de langue officielle, laissant aux entreprises une grande latitude dans le choix de ce qu'elles transmettront dans la langue officielle de la minorité. Cependant, il semble que la

confiance du Conseil à l'endroit de l'autoréglementation ne soit pas sans limites. À la fin de l'année, il s'employait à revoir ses exigences en matière de chanson française diffusée par les stations de radio francophones.

L'identité canadienne

Lors de sa comparution devant le Comité permanent des communications et de la culture de la Chambre des communes, le nouveau président du conseil d'administration de Radio-Canada, Patrick Watson, a affirmé avec éloquence que notre système de radiodiffusion national doit se consacrer davantage à assurer la compréhension réciproque parmi les Canadiens : « ... nous devons certainement continuer d'être inventifs pour trouver des façons d'unir notre population. Il ne s'agit pas seulement d'obstacles linguistiques, il y a des obstacles dus aux régions, à des questions de sensibilité, à la géographie. Tout ce que je peux vous dire, c'est que la Société Radio-Canada a toujours eu pour politique de s'attaquer à ces problèmes. Nous devons continuer à le faire, à mieux le faire, et à trouver des ressources pour mieux le faire ». « Ainsi soit-il », répondons-nous.

Lorsque nous avons recommandé l'an dernier que l'on adopte des mesures pour appuyer les efforts des organismes à vocation culturelle dans la protection et la promotion de l'identité et de la cohésion linguistique et culturelle du Canada, nous avons insisté sur la nécessité d'affirmer une fois de plus « notre engagement envers les valeurs linguistiques et culturelles qui nous rapprochent en tant que Canadiens » à une époque de mutations rapides sur le plan social et économique. Nous sommes heureux de constater que ce message, également formulé par de nombreux autres intervenants, n'est pas passé tout à fait inaperçu. La création, au sein du Conseil des ministres, d'un comité du Cabinet chargé des affaires culturelles et de l'identité nationale était de bon augure, même si l'on ne voit pas encore très bien ce qu'il a accompli ni quelles sont ses perspectives d'avenir. Nous espérons que le nouveau comité saura accroître les ressources visant à protéger et à promouvoir la variété et la spécificité de notre patrimoine national et renouveler l'élan en ce domaine. Si nous ne trouvons pas le moyen de définir des valeurs et des objectifs communs, notre pays risque fort de se retrouver aux oubliettes de l'Histoire.

Le libre-échange

Il y a un an, le traité de libre-échange entre le Canada et les États-Unis entrait en vigueur. À ce sujet, nous avons fait allusion l'an dernier aux exigences du Canada en matière d'emballage et d'étiquetage bilingues. Les règlements fédéraux, à la différence de ceux du Québec[1], sont minimes en ce domaine ; en général, on exige simplement que l'identité du produit, la liste des ingrédients, les avertissements et le pays d'origine soient indiqués dans les deux langues. De nombreux

[1] Les exigences du Québec en matière d'emballage et d'étiquetage, formulées dans les règlements découlant de la *Charte de la langue française*, sont plus détaillées : de façon générale, toutes les inscriptions sur un produit, sur son contenant et sur son emballage, ainsi que les dépliants, les brochures, les modes d'emploi et les garanties, doivent être en français, sans toutefois que les autres langues soient exclues.

produits spécialisés font l'objet d'exceptions. Pour répondre aux besoins de leur clientèle et pour se conformer aux règlements plus stricts du Québec, les manufacturiers canadiens dépassent largement le minimum exigé par le gouvernement fédéral.

En juillet, l'Association des fabricants canadiens de produits alimentaires faisait écho à nos préoccupations en dénonçant à cor et à cri certains fabricants américains qui, d'après eux, ne respectaient pas les exigences du gouvernement fédéral en matière d'étiquetage bilingue. Dans sa réponse, le gouvernement a indiqué qu'il verrait à améliorer les contrôles et l'inspection, bien qu'il lui soit difficile de trouver les ressources nécessaires pour tenir cette promesse. De toute façon, pour l'instant, il ne semble guère probable que les manufacturiers américains se conformeront toujours aux normes minimales, encore moins qu'ils les dépasseront, à moins que les consommateurs et le gouvernement fédéral ne les y obligent. D'autre part, nous croyons que les exigences fédérales en matière d'emballage et d'étiquetage doivent être revues à la lumière de l'article 26 de la *Loi sur les langues officielles*, qui traite de la réglementation des activités mettant en jeu la santé et la sécurité du public. (On trouvera plus de détails dans l'Introduction à la Partie II.)

En 1987, le Conseil de la langue française a formulé un avertissement dans son rapport au gouvernement québécois, *Le libre-échange Canada — États-Unis et la langue française au Québec*. Ce rapport allait jusqu'à recommander que la langue soit au premier plan de toute consultation et de toute décision sur le libre-échange. Il a suscité quelques échanges à l'Assemblée nationale, mais il ne semble pas avoir mené à l'élaboration de mesures précises.

Nous apprenions au milieu de l'année que lors des consultations fédérales-provinciales sur la mise en œuvre des dispositions du libre-échange, la seule question linguistique soulevée a été celle de la langue des examens qui permettraient d'établir la reconnaissance réciproque de normes professionnelles par les architectes canadiens et américains. On affirme que la question a été résolue.

La Direction générale de la gestion du libre-échange du ministère des Affaires extérieures continue de surveiller de près l'évolution du marché, mais nous n'avons guère observé de suites concrètes à notre recommandation touchant l'étude suivie par le gouvernement fédéral, en collaboration avec le gouvernement du Québec, des répercussions du libre-échange. On estime que les systèmes de contrôle existants sont suffisants. À notre avis, une vigilance accrue s'impose.

Le Comité mixte permanent des langues officielles

Les travaux du Comité mixte permanent des langues officielles ont été lents à démarrer en 1989. Premier témoin, le Commissaire a comparu à la fin de juin pour présenter son *Rapport annuel 1988*, puis de nouveau après le congé estival pour poursuivre sa présentation et répondre aux questions sur le budget du Commissariat. Ensuite, le Comité a consacré trois séances à l'étude des questions sur les langues officielles dans le recensement de 1991. En décembre, le Comité a

demandé au ministre des Transports, M. Benoît Bouchard, et au ministre de la Défense nationale, M. William McKnight, de comparaître pour témoigner sur le rendement de leurs ministères respectifs. À la fin de l'année, le Comité planifiait l'examen des règlements proposés en matière de communications et de services, que l'on attend au début de la nouvelle année. Le Comité s'emploiera sans doute également à poursuivre activement sa mission principale, celle de voir à la mise en œuvre de la Loi au sein des organismes fédéraux. (On trouvera au chapitre 3 de la présente partie, une description plus détaillée des activités du Comité.)

Le rendement fédéral

Si toutes les institutions fédérales jouent un rôle important dans la mise en œuvre de la *Loi sur les langues officielles*, c'est pourtant vers le Secrétariat du Conseil du Trésor et le Secrétariat d'État qu'elles se tournent pour s'orienter. D'ailleurs, la Loi précise avec soin les devoirs de ces chefs de file. Comme le met en lumière la partie III du présent rapport, une analyse des cotes attribuées démontre, que dans au moins 80 p. 100 des institutions fédérales, la *Loi sur les langues officielles* de 1988 n'a eu que peu d'effet. On trouvera ci-dessous notre évaluation générale de la façon dont le commandement et l'équipage se sont acquittés de leurs obligations en matière de langues officielles ; les autres parties du rapport contiennent pour leur part les détails de l'affaire.

Le Secrétariat du Conseil du Trésor

Le Secrétariat du Conseil du Trésor a consacré la plus grande partie de l'année à la rédaction de propositions de règlements sur les communications et les services. Il a également continué de voir à la mise en œuvre du programme de l'offre active et a élaboré une politique touchant l'emploi du français et de l'anglais pour les événements populaires de portée nationale et internationale. De nouveaux protocoles d'entente ont été signés avec les organismes fédéraux, assurant ainsi une meilleure responsabilité en matière linguistique. Enfin, le 20 décembre, le Secrétariat a soumis au Parlement son premier rapport annuel sur le statut des programmes de langues officielles au sein des organismes fédéraux. Ce rapport optimiste, qui couvre l'exercice financier 1988-1989, décrit par le menu quelques-unes des initiatives que nous venons de citer. Malheureusement, la plupart de ces initiatives n'ont guère eu d'effet sur le rendement des institutions de première ligne, dont les services laissent souvent à désirer. Nos vérifications, de même que les plaintes que nous recevons, donnent à croire qu'un nombre important de ministères et de sociétés d'État ne sont pas dotés de politiques et de plans qui leur permettraient de relever les défis de la nouvelle loi.

Le 15 septembre 1989, premier anniversaire de la proclamation de la Loi, le Commissaire a fait paraître un communiqué de presse dans lequel il condamnait l'attentisme de nombreux organismes fédéraux. Ceux-ci avaient réservé à la Loi un véritable accueil de bureaucrates : beaucoup d'assurance, quelques rares applaudissements. Bien entendu, ils ne lui avaient pas donné suite : l'attitude du Secrétariat du Conseil du Trésor, préoccupé par la rédaction de règlements, leur paraissait une invitation à la langueur. Pendant ce temps, le nombre de plaintes déposées auprès du Commissariat augmentait de 25 p. 100. Le message est clair.

Nécessité de lignes directrices et conséquences de la passivité

Nous pensions que la proclamation de la Loi en septembre 1988 aurait pour effet de déclencher la révision des politiques. Nous savions qu'il faudrait un certain temps pour rédiger les règlements sur les communications et les services, la langue de travail et la participation équitable et pour effectuer les consultations préliminaires à ce sujet, mais nous avions toutes les raisons de croire qu'on allait entreprendre ces travaux sans délais indus. Or, nous n'avons vu à l'œuvre aucune stratégie d'ensemble. Nous croyions que le Secrétariat du Conseil du Trésor ressentirait l'obligation d'émettre, à court terme, des instructions précises à l'intention des organismes fédéraux au sujet des changements importants et des éléments de la Loi dont l'application n'exige aucun règlement. Mais les organismes fédéraux ont dû se contenter d'une maigre explication consignée dans deux brefs documents : une brochure intitulée *La nouvelle* Loi sur les langues officielles *et vous* destinée aux fonctionnaires, et un chapitre du *Guide du gestionnaire*. Une courte lettre du secrétaire du Conseil du Trésor avisait les organismes fédéraux de la proclamation de la Loi et affirmait que « les politiques gouvernementales existantes demeureront en vigueur tant et aussi longtemps qu'elles n'auront pas été remplacées soit par une nouvelle directive, soit par un nouveau règlement ». On poursuivait en disant qu'étant donné la complexité du processus d'élaboration de règlements prévu dans la Loi, il était « peu probable que l'on puisse en commencer l'application d'ici plusieurs mois ». On a vu depuis que cette prévision était d'un optimisme démesuré.

Les politiques et les directives sont le pain quotidien des organismes fédéraux qui ne parviennent guère à se nourrir du caviar des textes de loi. Dans ce contexte, il n'est pas difficile de comprendre la paralysie d'organismes pris entre la nouvelle loi, d'une part, et les lignes directrices accumulées depuis douze ans, d'autre part. Ces lignes directrices constituent un mélange confus d'éléments dont certains, à l'heure actuelle, sont trop vagues pour être utiles et d'autres qui contreviennent manifestement à l'esprit et à la lettre de la nouvelle loi. C'est pourquoi la deuxième des 60 recommandations du plan directeur proposé dans notre *Rapport annuel 1988* insistait sur la nécessité de préparer des lignes directrices sur la mise en œuvre de la Loi. Ce plan couvrait d'ailleurs presque toutes les questions de politique dont nous traitons dans la présente section. Dans l'année suivant l'adoption de la Loi, il aurait fallu à tout le moins formuler des directives précises dans certains domaines clés, et il importerait encore plus de le faire dès maintenant ; parmi les besoins les plus évidents, citons :

- des directives précises sur l'offre active ;
- des instructions plus précises en matière de communications et de services à l'intention des bureaux désignés selon les politiques existantes ;
- des lignes directrices claires touchant le recours aux médias désservant les minorités de langue officielle ;
- des instructions précises sur l'exercice des droits en matière de langue de travail ;

- des critères permettant d'établir de façon « objective » les exigences linguistiques des postes à combler (article 91 de la Loi);
- des procédures visant à garantir que les organismes de réglementation s'acquittent de leur obligation de tenir compte de la dimension linguistique dans la réglementation des activités qui influent sur la santé et la sécurité du public (article 26 de la Loi);
- une définition précise des rôles respectifs des organismes fédéraux et du Secrétariat d'État dans la promotion du français et de l'anglais au sein de la société canadienne.

Sans être exhaustive, cette liste indique quelques domaines où l'on pourrait apporter immédiatement des améliorations concrètes dans le service. À l'appui de la Loi, des lignes directrices conçues pour faciliter la tâche des intervenants consolideraient le programme de façon importante en lui conférant la cohérence dont il a grandement besoin, notamment au chapitre de la prestation de services.

À nos yeux, c'est parce qu'on a omis de mettre à jour les lignes directrices et les directives que la machine s'est mise en branle à pas de tortue — ou, pour parler franchement, qu'on a perdu un an — après tant d'années de négligence. Les plaintes que nous recevons le démontrent crûment : la disposition touchant l'offre active de services bilingues, qui constitue l'une des pierres angulaires de la nouvelle loi, est plus souvent qu'autrement enfreinte et, à cet égard, aucun correctif n'est envisagé et encore moins apporté. Les plus petites minorités de langue officielle ne reçoivent toujours pas leur dû au chapitre des services. De plus, on n'a pas systématiquement recours aux médias de la minorité pour renseigner les francophones hors du Québec sur les programmes et les services du gouvernement. D'après un sondage réalisé dernièrement par le Commissariat, c'est seulement dans 14 p. 100 des cas que les fonctionnaires des bureaux bilingues accueillent dans les deux langues officielles les citoyens qui s'y présentent en personne. L'accueil bilingue est pourtant indispensable si l'on veut que le public sache que les services sont disponibles dans les deux langues. Comment peut-on permettre que l'on continue ainsi de bafouer l'une des dispositions fondamentales de la Loi ? Des directives précises doivent être données sans plus tarder.

Au chapitre de l'emploi du français et de l'anglais comme langues de travail, nous estimons qu'il n'y a pas eu de progrès significatifs. Le français n'est toujours pas suffisamment employé ni dans la région de la capitale nationale, ni dans les autres régions désignées bilingues aux fins de la langue de travail à l'extérieur du Québec, ni aux sièges sociaux de certaines sociétés d'État même à Montréal. La place accordée au français dans les domaines scientifique et technique reste presque dérisoire. D'autre part, l'usage de l'anglais laisse toujours à désirer dans de nombreux bureaux fédéraux au Québec. Rien de tout cela n'est nouveau, bien sûr. Nous pensions que la promulgation d'une nouvelle loi avait

précisément pour but de favoriser de nouveaux efforts pour redresser la situation, mais le Secrétariat du Conseil du Trésor n'a toujours pas rédigé la première ligne de la politique qui indiquerait les étapes à suivre pour atteindre un régime plus équitable en matière de langue de travail.

La même quasi-inertie semble paralyser le gouvernement du Canada dans son engagement d'assurer l'égalité des chances et la participation équitable au sein des organismes fédéraux. Les déséquilibres sectoriels que nous décrivons depuis des années n'ont guère diminué, notamment la faible participation des anglophones au Québec et dans la catégorie du Soutien administratif de la région de la capitale nationale, et la faible participation des francophones dans les catégories Gestion et Scientifique et professionnelle. De plus, nous n'avons décelé aucun signe de nouveaux efforts en ce domaine. Quelques-uns de ces problèmes ont fait l'objet d'études de la part de la Commission de la fonction publique et du Conseil du Trésor, mais à l'heure actuelle, les solutions sont toujours aussi lointaines.

Les règlements

Au mois de décembre, nous attendions avec une impatience sans cesse grandissante le dépôt par le président du Conseil du Trésor des règlements sur les communications avec le public et la prestation de services dans le cadre de la *Loi sur les langues officielles*. Ce dernier avait en effet promis au Parlement que le dépôt aurait lieu « bien avant » la fin de l'année. Ces règlements ont pour objet de définir les notions de « demande importante » et de « vocation du bureau » évoquées par la Loi. On nous dit maintenant qu'une ébauche des règlements sera proposée au Parlement au début de la nouvelle année, et qu'il faudra peut-être attendre encore un an avant qu'ils n'entrent pleinement en vigueur. Mais compte tenu du délai entre l'adoption de la Loi et l'approbation des règlements, il serait malséant de repousser davantage la date de leur entrée en vigueur. Une période de transition ne doit être tolérée que dans les cas où un travail de préparation semble tout à fait indispensable.

Les employés fédéraux attendent avec impatience les règlements sur la langue de travail, promis pour l'an prochain, et par lesquels le gouvernement marquera de nouveau sa volonté d'instaurer l'égalité des chances d'emploi et d'avancement. Les francophones et les anglophones s'entendent pour souhaiter la présence du français sans frictions. La plupart ont le désir sincère de contribuer à l'emploi équitable du français et de l'anglais au travail, à condition de connaître les règles du jeu et de les voir appliquées dans un esprit de justice et de compréhension. Ils ont toute notre sympathie. Le Secrétariat du Conseil du Trésor a commandé une étude sur les éléments favorisant un environnement positif en matière de langue de travail, étude dont on attend les résultats au début de 1990. Nous espérons qu'ils inciteront le Conseil à passer aux actes. On ne saurait attendre plus longtemps la codification et la promotion des principes de base touchant les communications orales et écrites dans les régions désignées bilingues, aujourd'hui et dans l'avenir, aux fins de la langue de travail.

Il importe également de définir, par des règlements, les paramètres de la participation équitable. Que signifient les expressions « Canadien d'expression française » et « Canadien d'expression anglaise » qu'on retrouve dans la Loi ? Comment en arrive-t-on à cette désignation ? Peut-on la modifier ? Quelle est l'influence du mandat, de l'emplacement et de la clientèle sur l'obligation légale de « refléter la présence au Canada des deux collectivités de langue officielle » ? Comment définit-on ces collectivités ? Quels moyens précis sont autorisés pour réduire les écarts ? Quand on aura répondu à ces questions, peut-être serons-nous mieux en mesure de corriger les plus flagrants des écarts régionaux et sectoriels que nous dénonçons chaque année. Le gouvernement fédéral doit affronter le défi, fort de l'assurance que l'on peut instaurer la justice linguistique pour tous.

La Loi requiert également que l'on adopte des règlements dans d'autres domaines moins importants, mais qui n'en méritent pas moins l'attention. Par exemple, le Gouverneur en conseil devrait utiliser le pouvoir que lui confère l'article 33 de la Loi. Il devrait donc prendre des mesures d'incitation « pour que soient effectivement assurés, dans les deux langues officielles, les communications et les services que sont tenues de pourvoir [...] les institutions fédérales », afin de réglementer la prestation de services à la minorité et de promouvoir les nouvelles initiatives dans ce domaine : centres de services polyvalents, systèmes interactifs de communications, guichets automatiques, etc. Le Bureau de la privatisation et des affaires réglementaires devrait réviser la politique et le processus de réglementation fédérale en vue d'assurer que les organismes de réglementation énoncent clairement dans tous les Résumés de l'étude d'impact de la réglementation, les obligations linguistiques liées à la santé et à la sécurité et la manière dont elles seront remplies. En application de l'article 17 de la Loi, la Cour suprême, la Cour fédérale et la Cour canadienne de l'impôt devraient réviser leurs règles de procédure en fonction de critères linguistiques, et le Gouverneur en conseil devrait établir les règles de procédure des autres tribunaux fédéraux. Il ne faudrait pas tarder à s'occuper de toutes ces questions. Mais avant tout, le Conseil du Trésor devrait, dès la mise en application de ces diverses dispositions de la Loi, élaborer et faire connaître à toutes les parties intéressées un plan stratégique définissant les objectifs à atteindre et fixant des dates cibles. En posant un tel geste, on ferait savoir à toutes les institutions fédérales que la réforme du régime linguistique est réellement amorcée. Du reste, les exigences réglementaires et la refonte des directives auront pour effet d'accroître considérablement la responsabilité des institutions en comparaison avec le régime actuel, fondé sur les protocoles d'entente, les rapports périodiques et les vérifications occasionnelles du Conseil du Trésor. Aucun bureaucrate ne souhaite comparaître devant la Cour fédérale pour répondre à l'accusation d'avoir manqué aux exigences de la Loi, en dépit de lignes directrices parfaitement claires. Ainsi les responsabilités seront définitivement fixées en ce qui a trait aux administrateurs généraux. Cette perspective en elle-même suffira peut-être à provoquer l'élaboration de procédures internes de vérification et de contrôle, à mesure que tous les intervenants en viendront à comprendre que les droits garantis par la Loi sont susceptibles d'être appliqués.

La privatisation

L'an dernier, nous abordions brièvement la question de la privatisation en recommandant que le gouvernement fédéral effectue un suivi de son effet sur la prestation de services dans les deux langues et qu'il veille au maintien des obligations linguistiques. À l'heure actuelle, le gouvernement se penche sur la dimension linguistique de chaque dossier particulier. Un certain nombre d'aéroports pourront figurer parmi les prochains candidats à la location ou à la vente, et on semble prendre au sérieux la question de la volonté des nouveaux locataires ou propriétaires de veiller au maintien des services bilingues. Bien que le ministère des Transports ne se soit pas encore prononcé sur la portée des obligations linguistiques ni sur les meilleurs moyens de les faire respecter, nous sommes heureux de constater que cette démarche exige manifestement un examen sérieux des exigences linguistiques.

Dans le cas d'Air Canada, la loi sur la privatisation a maintenu toutes les obligations énoncées par la *Loi sur les langues officielles*. Cependant, en vertu de la déréglementation des lignes aériennes survenue à la suite de l'entrée en vigueur de la *Loi nationale sur les transports* (1er janvier 1988), Air Canada, comme les lignes aériennes Canadien International, a conclu des ententes nombreuses et parfois compliquées avec des transporteurs régionaux en vue d'améliorer les services, et vraisemblablement les profits. Air Canada possède également une part importante des sociétés Air BC, Air Ontario et Air Nova. Dans l'esprit du public, ces entreprises sont associées à Air Canada, et les plaintes continuent d'affluer au Commissariat lorsqu'elles n'offrent pas de services en français. Nous croyons qu'Air Canada devrait encourager activement ses partenaires à suivre son exemple et à promouvoir son image bilingue en offrant des services dans les deux langues. Quant à nous, nous cherchons à déterminer dans quelle mesure on peut maintenir que certains services de liaison sont fournis au nom d'Air Canada, aux termes de l'article 25 de la *Loi sur les langues officielles*.

Même si le gouvernement fédéral ne s'est pas engagé officiellement à privatiser la Société canadienne des postes, les rumeurs vont bon train à ce sujet. Le Comité permanent de la consommation et des corporations et de l'administration gouvernementale s'est penché sur la question à l'automne et a examiné une variété de possibilités. De nombreux points de vente de la Société ont déjà fait l'objet d'une privatisation ou de l'octroi d'une concession ; les chiffres les plus récents indiquent que le tiers des comptoirs postaux faisaient l'objet de contrats avec le secteur privé. D'après une disposition-type des contrats en question, les services sont offerts dans les deux langues officielles lorsque cela paraît nécessaire. C'est là que le bât blesse : le nombre de plaintes touchant ces comptoirs a augmenté de 200 p. 100 en 1989. Le Commissariat travaille de près avec la Société à résoudre ces problèmes. Jusqu'ici, notre expérience des processus visant le maintien des droits et des obligations linguistiques indique qu'il faut une planification plus soignée et des études plus approfondies des conséquences linguistiques de tels gestes. On imagine quelles répercussions pourrait avoir en matière linguistique la privatisation de Pétro-Canada et combien il serait important de préserver les acquis.

Le Secrétariat d'État

Le 7 décembre, le Secrétaire d'État soumettait au Parlement son premier rapport annuel sur l'exercice de son mandat dans le domaine des langues officielles. Ce rapport, qui couvre l'exercice financier 1988-1989, fournit des détails sur un éventail impressionnant de mesures et nous indique qu'il y a lieu d'espérer l'amélioration et l'augmentation de l'information sur les programmes linguistiques.

Une activité moins intense, mais néanmoins soutenue : telle a été, semble-t-il, cette année au Secrétariat d'État. Ce dernier a donné suite à la signature du protocole fédéral-provincial sur les langues officielles dans l'enseignement en concluant des ententes avec l'ensemble des provinces et des territoires sur l'enseignement dans la langue de la minorité et l'enseignement de la langue seconde. Les priorités définies par le protocole (accès amélioré à l'enseignement dans la langue de la minorité, élargissement des services en français au niveau postsecondaire, formation des enseignants et enseignement de la langue seconde) devraient entraîner l'amélioration des possibilités offertes aux deux groupes linguistiques en matière d'éducation.

Le Secrétariat a également négocié une variété d'ententes auxiliaires ou particulières avec Terre-Neuve, le Nouveau-Brunswick, le Québec, le Manitoba, la Colombie-Britannique, le Yukon et les Territoires du Nord-Ouest touchant les services ou le développement des communautés minoritaires. Enfin, en décembre, il signait avec la Nouvelle-Écosse une entente-cadre sur les langues officielles. Désormais, de nombreux programmes valables ayant été lancés, nous nous attendons à ce que le Secrétariat prenne le temps d'envisager les moyens qui lui permettraient d'évaluer de façon plus systématique le rendement de ces initiatives, comme nous le recommandions l'an dernier. Nous savons qu'il n'y aura pas d'évaluation officielle avant 1992, mais nous croyons qu'il conviendrait pourtant d'entreprendre, dans l'intervalle, un examen provisoire de certains des programmes les plus dynamiques, par exemple celui qui prévoit la combinaison des écoles et des centres communautaires de la minorité.

Nous sommes déçus par la façon dont le Secrétariat s'est acquitté de sa tâche de favoriser la reconnaissance et l'usage du français et de l'anglais au sein des entreprises, des syndicats et des organismes bénévoles. Les recommandations du Colloque sur le secteur privé, tenu en octobre 1988, ont eu peu d'effets visibles. Nous espérons que le Secrétariat ne tardera pas à se pencher sur cette question.

Nous avons présenté ci-dessus notre évaluation des efforts actuels du Secrétariat en matière de communications. Quinze mois après la proclamation de la Loi, il entreprend enfin de répandre la bonne nouvelle, mais nous ne pouvons nous empêcher de trouver trop modeste la portée de ses activités actuelles. D'autre part, l'action en ce domaine ne peut être laissée à une ou deux institutions seulement ; elle doit bénéficier de la participation de tous les dirigeants de notre gouvernement. Il nous faut revenir aux questions fondamentales pour renouveler ou

renforcer la confiance des citoyens à l'endroit de la réforme du régime linguistique. Bon nombre des difficultés linguistiques qui divisent les Canadiens constituent avant tout des problèmes de perception. C'est pourquoi il est nécessaire de s'y attaquer directement par des programmes d'information qui emploieront des mots simples pour présenter les faits et répondre aux critiques. De tels programmes, bénéficiant de l'appui actif des ministres, des députés et des hauts fonctionnaires fédéraux, serviront à rétablir les faits dans leur juste perspective ; pour le reste, nous pouvons nous fier à l'équité et à la bonne volonté innées de nos concitoyens.

Le Conseil canadien des langues officielles

C'est le 25 juin 1987, au moment du premier dépôt de la nouvelle *Loi sur les langues officielles*, que le Secrétaire d'État proposait pour la première fois la création du Conseil canadien des langues officielles. Ce conseil, dont le rôle serait de conseiller le gouvernement en matière de promotion des langues officielles, n'est pas explicitement exigé par la Loi. Cependant, sa création peut se justifier par le paragraphe 43(2), qui se lit :

> « Il [le secrétaire d'État du Canada] prend les mesures qu'il juge aptes à assurer la consultation publique sur l'élaboration des principes d'application et la révision des programmes favorisant la progression vers l'égalité de statut et d'usage du français et de l'anglais dans la société canadienne. »

On suppose que les propositions formulées par les membres nommés à ce conseil seraient un élément de la consultation publique. Notre première réaction a été un optimisme prudent. Après avoir réfléchi plus avant à la question, cependant, nous avons commencé à nous demander de quelle façon un nouvel intervenant pourrait se rendre utile dans un secteur déjà encombré. Pourrait-il éviter de dédoubler les efforts d'organismes existants — associations nationales et provinciales des minorités, ainsi que d'autres organismes, tels que la Canadian Parents for French et la Commission nationale des parents francophones, qui jouent déjà un rôle important en matière de promotion des droits linguistiques ? En outre, le Comité mixte permanent et le Commissariat s'emploient activement, eux aussi, à conseiller le gouvernement dans une variété de domaines liés à la politique des langues officielles. Il ne s'agit pas de nier qu'un conseil consultatif pourrait offrir des conseils utiles en ce qui a trait, par exemple, aux moyens de promouvoir les deux langues officielles au sein de la société canadienne dans son ensemble. Compte tenu des circonstances, cependant, il serait peut-être sage de demander au Comité mixte permanent, seul ou avec l'aide de témoins, d'étudier les propositions touchant le mandat, la composition, la structure, le mode de fonctionnement et le financement du Conseil afin de déterminer si ce nouvel organisme aurait une réelle utilité.

Les dépenses au chapitre des langues officielles

Depuis plus de dix ans, nous présentons une ventilation détaillée des dépenses encourues par les programmes de langues officielles, d'après les données fournies par le Secrétariat du Conseil du Trésor (voir les tableaux C, p. 280). Une analyse de ces chiffres révèle que de 1978-1979 à 1988-1989, les dépenses réelles à ce

chapitre, en dollars constants, ont diminué de 38 p. 100. En 1989-1990, on estimait à 626 millions de dollars le total des dépenses encourues, ce qui représente environ un demi-cent pour chaque dollar dépensé par le gouvernement fédéral. Près de la moitié de cette somme a été versée aux provinces pour subventionner l'enseignement dans la langue de la minorité et l'enseignement du français et de l'anglais langues secondes. Les provinces ont demandé l'aide financière du gouvernement fédéral pour payer les coûts d'un type de formation qui constitue — ou qui devrait constituer — un élément normal du système scolaire contemporain au Canada. Les ressources octroyées à cette fin ne représentent même pas un pour cent des dépenses canadiennes au chapitre de l'éducation cette année. Est-ce trop ? Bon nombre de citoyens affirmeraient au contraire que cela est tout à fait insuffisant, qu'il faut davantage d'argent pour améliorer l'accès des enfants de la minorité à l'enseignement dans leur langue et l'enseignement de la langue seconde. Pour un grand pays industrialisé comme le nôtre, la formation linguistique est un investissement qui est assuré de porter fruit dans l'avenir : on peut difficilement soutenir qu'elle constitue un gaspillage effréné. En fait, nombreux sont ceux qui estiment que le déclin, en dollars constants, des dépenses fédérales en ce domaine a forcé les provinces à assumer une part plus grande du fardeau à une époque où leurs ressources vont en diminuant.

Pour chaque dollar dépensé par le gouvernement fédéral, il en coûte environ un tiers de cent — compris dans le demi-cent mentionné plus haut — pour assurer la prestation de services fédéraux dans les deux langues officielles là où il existe une demande importante. La mise en œuvre de la *Loi sur les langues officielles* de 1988, afin d'améliorer les services dans les deux langues, ne devrait pas entraîner une augmentation importante des coûts, compte tenu de la possibilité d'effectuer des transferts au sein de programmes existants dans certains domaines. D'après nous, il s'agit d'une entreprise valable dont les bénéfices compensent largement les coûts.

L'article 109 autorise le président du Conseil du Trésor à verser des crédits pendant quatre ans aux sociétés d'État pour les aider à mettre en œuvre les dispositions de la Loi. À ce jour, on a approuvé douze demandes d'une valeur globale de cinq millions de dollars. La plupart d'entre elles avaient trait aux dépenses liées à la formation linguistique, aux systèmes informatisés et à la traduction.

Depuis près de dix ans, nous demandons au Conseil du Trésor de procéder à la réforme du programme des primes au bilinguisme, qui coûtera, en 1989-1990, 44,5 millions de dollars. Les économies réalisées grâce à l'élimination progressive et sélective de la prime pourraient compenser, en tout ou en partie, les coûts de l'amélioration des services fédéraux aux collectivités de langue minoritaire.

Le développement des minorités et la promotion des langues officielles

Comme nous l'avons indiqué ci-dessus, dans la plupart des provinces, l'année 1989 a vu s'effectuer des progrès sur le plan linguistique, que ce soit par la voie

législative ou sous forme de nouvelles politiques. En novembre, l'Ontario a proclamé la *Loi sur les services en français*. Le Nouveau-Brunswick a clarifié sa politique linguistique et pris des mesures pour améliorer les services du gouvernement en français, tout en annonçant des mesures visant à « créer un dialogue et une compréhension entre les deux communautés linguistiques ». L'Île-du-Prince-Édouard et le Manitoba ont tous deux annoncé l'amélioration des services en langue française. La Saskatchewan a adopté des mesures pour mettre en œuvre un système de direction des écoles de la minorité. Dans plusieurs provinces, on a créé de nouvelles écoles ou de nouvelles classes de langue française. Les francophones de Vancouver, avec l'aide des autorités fédérales, provinciales et municipales, ont pu faire l'achat d'un édifice qui abritera leur nouveau centre communautaire, la Maison de la francophonie. Ce ne sont là que les efforts les plus significatifs pour améliorer le sort des minorités de langue officielle. Pendant ce temps, les minorités en question et leurs associations sont de plus en plus conscientes du fait que leur survie et leur essor dépendent de leur capacité de développer et de régir les organismes économiques et sociaux qui les servent. Nous ne voulons pas dissimuler la gravité des problèmes : dans la plupart des provinces, ils sont critiques. Cependant, la tendance générale qui se dégage est celle de progrès lents, mais constants, et d'une reconnaissance graduelle des droits.

Au Québec, le fossé creusé entre les communautés francophone et anglophone par l'adoption de la loi 178 sur l'affichage a influencé les élections provinciales et continue de faire sentir ses effets. En assurant la victoire du Parti Égalité dans quatre circonscriptions, les anglophones ont exprimé clairement leur frustration et leur colère. Les deux collectivités se trouvent maintenant devant la tâche délicate de composer avec ce mécontentement. Les francophones québécois doivent songer au prix à payer : la perte d'une part importante de la bonne volonté des anglophones du Québec et du Canada à leur endroit. Quant aux anglophones du Québec, il leur faut trouver de nouveaux moyens de défendre et de promouvoir les valeurs collectives dans un climat linguistique chargé d'émotions.

Dans le feu du débat sur la loi 178, un geste positif de la part du gouvernement du Québec est passé à peu près inaperçu à l'extérieur de la province. En mai 1989, les gouvernements du Québec et du Canada ont signé une entente quinquennale, d'une valeur de 1,1 million de dollars, visant à améliorer l'accès aux services sociaux et de santé en anglais et à favoriser une plus grande participation des communautés à la mise en œuvre de la loi 142 de la province, qui garantit cet accès. Le gouvernement québécois a également augmenté les fonds accordés aux universités et aux collèges de langue anglaise et il a pris des mesures pour améliorer l'enseignement du français et de l'anglais langues secondes. En novembre, M. Claude Ryan, ministre responsable de la loi linguistique, a consulté les responsables du secteur public de l'Outaouais sur la possibilité d'améliorer les services offerts aux anglophones dans cette région.

M. Ryan avait à peine amorcé ses consultations que certains défenseurs locaux de la langue française agitaient le spectre de l'anglicisation, par le biais de la *Loi sur les langues officielles*, d'une région du Québec dont l'écologie linguistique est déjà fragile. Cependant, les observateurs objectifs reconnaîtront que malgré tous leurs anicroches, les politiques linguistiques du gouvernement fédéral ont grandement assisté depuis vingt ans les progrès du français au Québec et ailleurs. C'est le thème qu'a abordé le Commissaire en décembre, dans une allocution prononcée à Québec. Nous ne croyons pas que la prestation aux minorités de quelques services dans leur langue peut transformer le paysage linguistique d'une province. Dans l'ensemble, il n'y a pas lieu d'être insatisfait des services offerts en anglais au Québec, mais en prenant au besoin des mesures pour en maintenir et en améliorer la qualité et la prestation, on pourrait faire œuvre utile en contribuant à restaurer les relations entre les deux groupes linguistiques de la province.

Nous recommandions l'an dernier au gouvernement fédéral de proposer aux provinces l'adoption, lors d'une prochaine conférence constitutionnelle, d'une formule visant à appuyer nos minorités linguistiques en étendant la prestation de services dans leur langue. D'après ce que nous savons des progrès accomplis à ce chapitre à l'échelle du pays, l'établissement d'un dénominateur commun en matière de services essentiels n'a rien d'une utopie. Sans préconiser une solution particulière aux dépens d'une autre, nous croyons que l'on pourrait augmenter les efforts en vue d'examiner les systèmes existants, de dresser l'inventaire des ressources bilingues et de mettre au point des modèles pratiques et économiques pour la prestation de services essentiels dans la langue officielle minoritaire. Le Québec, le Nouveau-Brunswick et dernièrement l'Ontario ont montré la voie et pourraient sans doute contribuer à l'élaboration de systèmes de prestation de services dans les provinces moins évoluées sur ce plan.

Le droit des minorités à l'enseignement dans leur langue

Depuis l'adoption en 1982 de la *Charte canadienne des droits et libertés*, qui garantit le droit à l'enseignement aux minorités de langue officielle, nous avons souligné la nécessité d'agir pour répondre aux exigences des minorités. Dans bon nombre de régions, le taux d'analphabétisme est beaucoup plus élevé chez les francophones que chez les anglophones. Des progrès ont été accomplis dans plusieurs provinces, notamment au Québec, au Nouveau-Brunswick et en Ontario. De plus, les tribunaux ont rendu des décisions qui ont élucidé la question, et d'autres décisions juridiques sont attendues, notamment au Manitoba où la Cour d'appel provinciale doit donner un avis consultatif à la demande du gouvernement de la province. En 1990, la Cour suprême du Canada se prononcera pour la première fois sur la portée et le sens de l'article 23 de la Charte en rendant sa décision dans l'affaire Mahé, qui touche l'enseignement en langue française en Alberta. La Saskatchewan a mérité des éloges cette année pour avoir cherché à établir une politique des écoles de la minorité qui soit équitable et complète. À Sydney (Nouvelle-Écosse), on a enfin mis sur pied des classes en français. Dans d'autres provinces, des initiatives et des actions en justice visent à

assurer, là où la demande le justifie, l'essor ou le maintien des écoles et à obtenir la gestion de celles-ci.

En 1990, nous espérons publier les résultats d'une étude globale de la mise en œuvre de l'article 23 à l'échelle du pays. Si les progrès restent lents et inégaux, nous continuons d'espérer la diminution des affrontements et le renforcement de la coopération dans la recherche de solutions novatrices. Des signes de plus en plus nombreux indiquent que des provinces jadis récalcitrantes sont aujourd'hui disposées à mettre au point, de concert avec les groupes minoritaires, des politiques et des plans réalistes pour assurer le respect de leurs droits. Les groupes comme la Commission nationale des parents francophones, la Canadian Parents for French et la Société pour la promotion de l'anglais langue seconde ont travaillé à tisser des liens de compréhension entre nos deux collectivités de langue officielle. Oserons-nous espérer qu'au moment où nous fêterons le dixième anniversaire de la Charte, toutes les provinces canadiennes se seront dotées des lois et des politiques nécessaires pour assurer pleinement le droit des minorités à l'enseignement dans leur langue ? Le compte à rebours est commencé.

L'enseignement de la langue seconde

L'une des valeurs durables que partagent les parents de langues française et anglaise, c'est le désir que leurs enfants apprennent l'autre langue officielle. D'après un sondage Gallup dont les résultats étaient publiés en décembre 1989, plus de la moitié des Canadiens estiment que le français langue seconde doit constituer une matière obligatoire à l'école. Cette proportion n'a guère varié depuis quinze ans. Au Québec, 81 p. 100 des répondants pensaient que l'anglais langue seconde devrait être obligatoire. Les parents sont animés par des raisons d'ordre à la fois pratique et idéaliste : ils savent que le bilinguisme n'est pas qu'une mode éphémère et ils veulent que leurs enfants participent aux réalisations du Canada dans l'avenir. Dans certains cas, leurs exigences légitimes en matière d'amélioration de l'enseignement de la langue seconde ont sérieusement éprouvé le système d'enseignement.

Les parents francophones, tant au Québec que dans les autres provinces, ont dû composer avec des désirs contradictoires. Ils veulent protéger et améliorer l'enseignement du français comme langue maternelle dans le contexte anglophone de l'Amérique du Nord, tout en veillant à ce que leurs enfants aient amplement l'occasion d'améliorer leur connaissance de l'anglais.

Du côté anglophone, la demande d'un accès élargi aux programmes d'immersion et de meilleurs programmes-cadres ordinaires et enrichis ont mis en relief les problèmes croissants de la formation et de la pénurie des enseignants.

D'autre part, on s'intéresse de plus en plus à d'autres questions essentielles : la compétence en langue seconde, le maintien de cette compétence, les programmes d'échange, la présence et l'utilisation de ces compétences en langue

seconde dans une variété de secteurs du marché du travail. Il semble que la réussite crée ses propres difficultés. Les conseils scolaires, les ministères de l'Éducation des provinces et le gouvernement fédéral devront sans doute augmenter dans l'avenir les ressources attribuées non seulement pour assurer la qualité, mais aussi pour effectuer des recherches sur le passage de l'apprentissage de la langue seconde à l'emploi de cette langue au sein de la société canadienne.

La région de la capitale nationale

Nous proposions également l'an dernier que l'on mette au point, sous l'égide du Secrétariat d'État ou de la Commission de la capitale nationale, un mécanisme qui assurerait une plus grande collaboration entre tous les intervenants intéressés à promouvoir les langues officielles dans la région, et nous recommandions que l'on établisse des ententes-cadres avec les provinces afin d'assurer la reconnaissance de la dualité linguistique et d'affermir le caractère bilingue de la région. À la fin de l'année, le Secrétaire d'État, le président de la Commission de la capitale nationale et les autorités provinciales étudiaient ces questions. Nous espérons que leurs discussions mèneront, d'ici peu, à l'adoption de mesures concrètes.

Des progrès ont été accomplis par d'autres moyens. Notamment, les gouvernements de l'Ontario et du Québec ont tous les deux pris des mesures pour améliorer l'enseignement postsecondaire au sein des communautés de langue minoritaire. L'Ontario a créé un collège communautaire de langue française, la Cité collégiale. Le Québec a assuré l'expansion du collège anglophone Heritage en lui accordant une subvention d'immobilisation ; le collège, qui fête cette année sa vingtième année d'existence et sa première année de pleine autonomie, est l'un des sept collèges de langue anglaise de la province. De plus, les deux provinces ont posé des gestes pour améliorer l'offre de services sociaux et de santé dans la langue de la minorité. Enfin, malgré les efforts de trois conseillers municipaux qui voulaient abolir le comité des langues officielles, la ville d'Ottawa a réaffirmé sa volonté d'élargir les services municipaux en français, tandis que la ville de Hull annonçait son intention de voir à ce que les services municipaux soient énumérés dans l'annuaire téléphonique non seulement en français, mais aussi en anglais.

Les progrès linguistiques des citoyens de la région sont remarquables. Le bilinguisme y est beaucoup plus répandu qu'il ne l'était. D'après une étude des données du recensement de 1986 et de recensements antérieurs effectuée par Brian Harrison de Statistique Canada, pas moins de 42 p. 100 des habitants de la région sont capables de parler le français et l'anglais (d'après leur propre évaluation), soit une augmentation de 10 p. 100, ou de 150 000 personnes, depuis 1971. La majorité de la population francophone de la région est bilingue depuis longtemps, mais les compétences linguistiques des anglophones ont connu dernièrement une montée spectaculaire. En 1986, le nombre d'anglophones bilingues avait presque triplé par rapport à 1971 (122 000 personnes comparativement à 47 000), et ceux-ci constituaient 26,7 p. 100 de l'ensemble de la population

anglophone comparativement à 13,8 p. 100 en 1971. C'est parmi les jeunes que l'on constate l'augmentation la plus marquée : près de la moitié des enfants anglophones âgés de 10 à 19 ans étaient capables de parler français. Dans la capitale nationale l'an dernier, pas moins de 30 000 enfants anglophones étaient inscrits à un programme d'immersion française. Les possibilités de compréhension et de communication améliorées qui s'amorcent ainsi ont de quoi susciter l'enthousiasme et annoncent peut-être la venue d'une ère heureuse sur le plan linguistique, dans la région et — qui sait ? — dans le pays tout entier.

Le « Plan directeur » : où en sommes-nous ?

« On ne donne rien si libéralement que ses conseils. » Voilà ce que disait La Rochefoucauld. Dans le rapport annuel de l'an dernier, nous proposions qu'un « Plan directeur » vienne établir les conditions d'une relance du programme des langues officielles. Nous avions formulé 60 recommandations qui permettaient d'appliquer concrètement les dispositions de la Loi. La réaction du gouvernement paraissait témoigner d'une volonté de corriger la plupart des problèmes que nous avions soulevés. Nous dressons un premier bilan dans le présent rapport et nous envisageons de suivre la même démarche dans les années à venir. Nous espérons que 1990 sera enfin une véritable année de relance à tous les niveaux.

Nous avons jugé opportun de présenter le résumé des recommandations formulées dans la Partie VI du *Rapport annuel 1988* et des progrès accomplis dans chacun des secteurs clés. On constatera que nous sommes dans la majorité des cas loin du but bien que certains points aient été marqués. Le leadership des principaux intéressés n'a cependant pas été assez soutenu pour assurer la mise en œuvre rapide de la relance linguistique.

Recommandations	Mise en œuvre
I. LES FONDEMENTS D'UN PLAN DIRECTEUR	
Adoption dans les meilleurs délais d'une réglementation reflétant la lettre et l'esprit de la Loi.	L'ébauche de la réglementation visant les communications et la prestation des services devrait être rendue publique au début de 1990.
Élaboration de principes directeurs en vue de la mise en œuvre de la Loi.	N'a pas été mise en œuvre.
Mise au point d'un programme de communications permanent.	En phase initiale de mise en œuvre.

Octroi de ressources adéquates.	Mise en œuvre générale.
Études appropriées dans tous les domaines pertinents.	Mise en œuvre partielle.
Étude suivie des effets de la privatisation.	En voie de mise en œuvre.
Étude suivie des répercussions du libre-échange sur la langue et la culture françaises au Canada.	Aucune étude n'a été effectuée. Des mesures de contrôle ont été adoptées.
Adoption de mesures pour appuyer les efforts visant la promotion de l'identité et de la cohésion linguistiques et culturelles du Canada.	Peu d'initiatives ont été prises.
Harmonisation optimale des engagements pris à l'égard des deux langues officielles et de la politique en matière de multiculturalisme.	Aucun progrès notable.
Formule constitutionnelle visant à appuyer le développement des minorités et à réduire l'écart entre le statut des deux langues officielles en étendant la prestation de services dans la langue minoritaire.	Ne s'applique pas encore.
II. RÉGLEMENTATION	
Réglementation sur les communications et la prestation des services qui tienne compte des principes clés de « bureau », de « demande importante » et de « vocation du bureau ». Une définition précise des services réglementaires offerts aux voyageurs par des tiers conventionnés.	La réglementation sur les communications et la prestation des services devrait être déposée au début de 1990.
Réglementation visant à favoriser l'usage effectif du français et de l'anglais au travail.	N'a pas été mise en œuvre. Une ébauche de la réglementation sur les aspects « statiques » (outils de travail, services internes, etc.) doit être préparée en 1990-1991. Une étude des

	facteurs favorisant un milieu de travail propice à l'usage des deux langues officielles est en cours.
Autres réglementations pertinentes.	Aucun projet concret.
III. GESTION DU PROGRAMME DANS L'ADMINISTRATION FÉDÉRALE	
1. Responsabilité et contrôle :	
• Accroissement de la responsabilité en matière de langues officielles.	En voie de mise en œuvre.
• Lettres d'entente : – ministères – sociétés d'État	 Mise en œuvre partielle — retard. À l'étape de la planification.
• Révision des énoncés de principe sur les langues officielles.	N'a pas été mise en œuvre.
• Examen du mode d'attribution des ressources en traduction.	Mesures prises.
2. Service au public (voir Parties II et IV) :	
Neuf recommandations s'adressant au Secrétariat du Conseil du Trésor.	Seule la recommandation touchant la prestation de services bilingues à l'occasion de la tenue au Canada d'événements nationaux et internationaux a été mise en œuvre. Les huit autres attendent toujours.
Deux recommandations s'adressant au Secrétariat d'État :	
• plan d'action pour assurer la mise en œuvre par les institutions fédérales de l'engagement du gouvernement de favoriser le développement des minorités.	En voie d'être mise en œuvre.
• accroissement du bassin de traducteurs et intensification des	En voie d'être mise en œuvre.

programmes de dépistage et de formation des interprètes.	
3. Langue de travail (voir Partie II) :	
Sept recommandations s'adressant au Conseil du Trésor et à la Commission de la fonction publique, selon le cas, pour favoriser l'utilisation du français et de l'anglais en milieu de travail.	Aucune des recommandations n'a été mise en œuvre intégralement. Cependant, certaines mesures ont été prises.
4. Participation (voir Partie II) :	
Sept recommandations s'adressant au Conseil du Trésor et à la Commission de la fonction publique, selon le cas, visant à corriger de sérieux déséquilibres sectoriels et régionaux.	Mise en œuvre partielle. Cependant, les recommandations les plus importantes intéressant la participation équitable dans les sociétés d'État et la participation des anglophones dans les catégories de soutien n'ont pas été mises en œuvre.
IV. PROMOTION DU FRANÇAIS ET DE L'ANGLAIS DANS LA SOCIÉTÉ CANADIENNE	
1. Minorités de langue officielle :	
Sept recommandations s'adressant au Secrétariat d'État sur diverses questions intéressant le développement des communautés minoritaires.	Si le Secrétariat d'État s'est employé à mettre en œuvre plusieurs de ces recommandations, il est lent à mettre au point un programme de communications et à effectuer un suivi des initiatives du secteur privé.
2. Radiotélévision :	
Une recommandation s'adressant au Conseil de la radiodiffusion et des télécommunications canadiennes (CRTC) visant à offrir aux communautés minoritaires un meilleur accès à la télédiffusion des débats de la Chambre des communes.	N'a pas été mise en œuvre.
Une recommandation s'adressant à la Société Radio-Canada visant à	N'a pas été mise en œuvre.

améliorer ses services de télédiffusion destinés aux communautés minoritaires de langue officielle.

3. Enseignement de la langue seconde (voir Partie V) :

Cinq recommandations s'adressant au Secrétariat d'État et aux autorités compétentes, destinées à améliorer les programmes d'enseignement de la langue seconde.

La mise en œuvre de ces recommandations s'effectue à un rythme des plus lents.

4. Région de la capitale nationale :

Deux recommandations s'adressant au Secrétariat d'État, à la Commission de la capitale nationale et aux autres intéressés visant à favoriser la reconnaissance et l'usage du français et de l'anglais dans la région de la capitale nationale.

Démarrage très lent.

2. Les droits linguistiques : petit à petit

Nous nous attendions à ce que 1989 soit une année féconde en éclaircissements sur la portée de dispositions constitutionnelles concernant les langues officielles et l'étendue des droits linguistiques au Canada, notamment dans plusieurs provinces en matière d'instruction dans la langue officielle de la minorité. Bien que les tribunaux aient eu l'occasion de se pencher sur diverses questions reliées aux langues officielles, leurs jugements, cette année, ne nous permettent guère de tirer des conclusions d'ensemble.

Nous commençons donc cet exposé par un rappel des principales causes touchant à la *Charte canadienne des droits et libertés*, puis à la *Loi sur les langues officielles* du Canada. Nous discutons ensuite de certains arrêts relatifs aux droits scolaires concernant soit l'article 23 de la Charte, sur les droits à l'instruction dans la langue de la minorité, soit l'article 93 de la *Loi constitutionnelle de 1867* sur les écoles confessionnelles. Puis, nous formulons des commentaires sur l'importance, pour l'avenir, de l'issue que les tribunaux supérieurs réserveront aux nombreux litiges linguistiques relatifs aux questions scolaires.

Nous évoquons également certains litiges linguistiques au Manitoba, l'entrée en vigueur dans l'ensemble du pays de la Partie XVII du Code criminel sur la langue de l'accusé, la législation récente à incidences linguistiques en Ontario, et la réglementation sur l'affichage commercial à l'intérieur des établissements au Québec. Nous portons ensuite notre attention sur la nouvelle politique administrative du Nouveau-Brunswick concernant l'emploi des langues officielles devant les tribunaux, et sur le projet d'enchâsser dans la Constitution du Canada le principe de la *Loi reconnaissant l'égalité des deux communautés linguistiques officielles au Nouveau-Brunswick*. Enfin, nous faisons état du Programme d'aide à la contestation judiciaire dans le contexte de son renouvellement.

CAUSES TOUCHANT À LA *CHARTE CANADIENNE DES DROITS ET LIBERTÉS*

La langue de l'information aux pêcheurs

L'affaire Saulnier (Yarmouth, Nouvelle-Écosse)

Un juge de la Cour de comté de Shelburne en Nouvelle-Écosse décidait en mars d'accueillir le pourvoi de Daniel S. Saulnier et l'acquittait d'une accusation d'avoir dépassé son quota de pêche, contrairement aux conditions stipulées dans son permis. La décision s'appuyait sur le fait que l'avis des changements des conditions du permis n'avait été diffusé qu'en anglais sur les bandes marines destinées aux pêcheurs, alors qu'il existe aussi à Yarmouth une bande marine émettant en français.

Le juge considère qu'il est erroné d'interpréter le silence de l'article 5 du *Règlement sur les Pêches de l'Atlantique*, en ce qui a trait à la langue à employer dans les avis, comme une absence d'obligation d'utiliser le français. Il fonde son jugement sur l'article 20 de la *Charte canadienne des droits et libertés*, estimant que même s'il n'y a pas eu une preuve suffisante de l'existence d'une demande importante pour des services en français à Yarmouth (Nouvelle-Écosse), la vocation du bureau du Directeur général des Pêches y justifie l'emploi des deux langues.

Le passage clé du jugement mérite d'être cité ici en entier :

> « La promulgation d'une mesure officielle du gouvernement fédéral, dont le non-respect entraîne des conséquences pénales, ne doit pas être faite en anglais uniquement lorsqu'il est possible de démontrer non seulement qu'un nombre considérable des personnes concernées ont le français pour langue maternelle, mais aussi qu'elles habitent et travaillent dans des collectivités francophones assez importantes.
>
> Peu importe que l'appelant comprenne l'anglais ou que son procès se soit déroulé en anglais sa langue première, la langue de son choix, la langue dans laquelle il communique avec d'autres pêcheurs est le français. Il s'agit de sa langue maternelle au sens de la *Loi sur les langues officielles*. Son droit d'utiliser cette langue est garanti en vertu de la Charte.
>
> Le droit que je reconnais à l'appelant correspond parfaitement au libellé de la Charte : aux termes de l'alinéa 20(1)*b*), « l'emploi du français ou de l'anglais se justifie par la vocation du bureau (du Directeur général des Pêches) ».
>
> Je présume que les avis de changement devraient être diffusés dans les deux langues sur les ondes de la radio de la garde côtière de Yarmouth ; sinon, la bande VHF française pourrait être utilisée. Il appartiendra au Directeur général de la région de déterminer les modalités appropriées, en consultation avec les pêcheurs concernés. » [Notre traduction.]

Ricky Joseph Gautreau c. S.M. La Reine (Nouveau-Brunswick)

En quelle langue une contravention doit-elle être rédigée ?

Un agent de la Patrouille routière du Nouveau-Brunswick avait remis au requérant Joseph Gautreau un avis de contravention rédigé dans les deux langues officielles, mais en précisant en anglais seulement les données concernant son infraction dans une des cases du formulaire bilingue en usage. En novembre, un juge de la Cour du Banc de la Reine du Nouveau-Brunswick rendait un jugement bien documenté dans cette affaire en apparence anodine, mais qui pourrait entraîner de lourdes conséquences, en particulier pour la province ayant les obligations linguistiques les plus étendues selon la Constitution canadienne.

Une analyse approfondie du paragraphe 20(2) de la *Charte canadienne des droits et libertés* a conduit ce magistrat à conclure que l'agent avait ignoré les instructions qu'il devait suivre selon le *Guide de la Patrouille*, en ne demandant pas au destinataire quel était son choix de langue. Dans les circonstances, ce choix était le français. Le juge en conclut que le requérant avait un droit constitutionnel de recevoir un avis de contravention dans la langue de son choix et que la non-reconnaissance de ce droit par l'agent lui donnait droit à une réparation fondée sur l'article 24 de la Charte. La sommation fut donc annulée et le juge a interdit à la Cour provinciale de poursuivre l'affaire.

Pour le juge, l'article 133 de la *Loi constitutionnelle de 1867* n'a pas à recevoir application au Nouveau-Brunswick. Il s'est contenté de fonder son jugement sur l'absence de communication et de service en français au niveau de l'avis de contravention (par. 26(2) de la *Charte canadienne des droits et libertés*), sans soulever la question de la validité de la sommation judiciaire. Il se contente d'annuler celle-ci, en dépit du fait que la Couronne ait le droit, comme « chacun », d'employer le français *ou* l'anglais dans les procédures devant les tribunaux du Nouveau-Brunswick (par. 19 (2) de la Charte).

Le Nouveau-Brunswick a cependant interjeté appel de cette décision en alléguant que le juge avait commis plusieurs erreurs de droit.

Joseph Denis Boudreau c. S.M. La Reine (Nouveau-Brunswick)

Un autre son de cloche du même tribunal

La cause suivante montre comment un autre juge du même tribunal a abouti, dans une cause similaire, à une conclusion diamétralement opposée à celle du jugement que nous venons de résumer.

La poursuite tentait de faire admettre en preuve un document faisant état des résultats de l'analyse chimique de l'alcootest, conformément aux dispositions du Code criminel. Bien que le certificat de l'analyste, ainsi que l'avis d'intention de le produire, eussent été imprimés dans les deux langues officielles, seule la version anglaise avait été remplie à la fois par l'analyste et l'agent de la paix, tous deux membres de la Patrouille routière du Nouveau-Brunswick.

À son procès en Cour provinciale, l'intimé s'était opposé à l'admission en preuve du certificat de l'analyste, alléguant que ses droits en vertu du paragraphe 20(2)

(Communications entre les administrés et les institutions du Nouveau-Brunswick) de la *Charte canadienne des droits et libertés* avaient été violés. Il fit valoir que la « réparation appropriée » prévue au paragraphe 24(1) (Recours en cas d'atteinte aux droits et libertés) de la Charte devrait être le refus d'admettre en preuve ce document. Le juge en première instance lui avait donné raison.

Le juge de la Cour du Banc de la Reine renversa néanmoins cette décision. Il statua que le tribunal de première instance aurait dû, dans les circonstances, admettre en preuve le certificat d'analyste de la poursuite, étant donné l'absence de tout indice suggérant que son admission aurait compromis le droit de l'accusé à un procès juste et équitable. Le tribunal ordonna donc l'annulation du verdict d'acquittement et la tenue d'un nouveau procès.

En l'espèce, un examen de l'article 133 de la *Loi constitutionnelle de 1867* s'avère primordial, selon le juge, dans la mesure où les dispositions de la Charte qui touchent les droits linguistiques dans le domaine judiciaire au Nouveau-Brunswick ont déjà reçu une interprétation en fonction de cet article par la Cour suprême du Canada, dans l'affaire MacDonald (Québec), en 1986. Quand on traite d'une sommation dont la nature est substantiellement la même que dans l'affaire MacDonald, déclare le juge, on doit se baser sur les droits linguistiques protégés par le paragraphe 19(2) de la Charte (Procédures devant les tribunaux du Nouveau-Brunswick) et non ceux du paragraphe 20(2) (Communications entre les administrés et les institutions du Nouveau-Brunswick).

Le paragraphe 20(2) de la *Charte canadienne des droits et libertés* n'a rien à voir avec les circonstances de l'affaire ; c'est plutôt le paragraphe 19(2) de la Charte qu'il convient d'appliquer ; l'analyste qui a rédigé en anglais un certificat pour montrer ce qu'il aurait pu prouver oralement dans cette langue bénéficie donc, selon le juge, du droit constitutionnel d'utiliser l'anglais ou le français. Par ailleurs, tout ce que la Partie XVII (anciennement Partie XIV.1) du Code criminel accorde à l'intimé, c'est le droit à un procès devant un juge qui « parle » la langue de l'accusé, chacun conservant précisément le droit à l'emploi de l'une ou de l'autre langue pour rendre son propre témoignage.

CAUSES TOUCHANT LA *LOI SUR LES LANGUES OFFICIELLES* DU CANADA

Mentionnons ici trois causes relatives aux incidences de la *Loi sur les langues officielles*, dont une au sujet de la langue des avis publics et deux sur l'interprétation des divergences entre les deux versions de lois fédérales bilingues.

La langue des avis publics

Allan Rimmer et al c. S.M. la Reine (Manitoba)

Dix-sept fermiers du Manitoba, la plupart anglophones, dont Allan Rimmer, avaient été trouvés coupables en 1986 par un juge de la Cour provinciale d'avoir dépassé leur quota de production de grains. Ils furent en conséquence condamnés

dans un premier temps à une amende. La défense se fondait sur le fait que la Commission canadienne du blé n'avait publié qu'en anglais un avis au public relatif à ces quotas. Étant de caractère réglementaire, cet avis avait néanmoins été adopté dans les deux langues. La Couronne fédérale invoquait pour sa part le fait que cet avis réglementaire était exempté d'une publication bilingue dans la *Gazette du Canada*, tant à cause de sa teneur que de sa longueur, par la *Loi sur les textes réglementaires*.

Interjetant un premier appel en Cour du Banc de la Reine, les fermiers furent déboutés devant cette Cour en 1987. La Cour d'appel du Manitoba refusait l'année suivante d'entendre l'appel de cette deuxième décision, confirmant ainsi le premier jugement. L'an dernier, les accusés ont demandé l'autorisation d'en appeler à la Cour suprême du Canada, en fondant leur requête sur « l'intérêt national ». Le plus haut tribunal du pays a refusé en mars d'accorder son autorisation d'en appeler, confirmant ainsi les jugements antérieurs déboutant les fermiers.

Quand la loi diffère d'une langue à l'autre

Nima c. McInnes (Colombie-Britannique)

Dans cette affaire, le tribunal a statué en novembre 1988 que le paragraphe 111(1) de la *Loi sur les douanes* était nul et sans effet du fait que sa version anglaise prévoit que le juge de paix peut signer un mandat de perquisition s'il est convaincu qu'il existe des motifs raisonnables de croire que des marchandises ou des moyens de transport ayant donné lieu à une infraction à la *Loi sur les douanes* ou à ses règlements « pourraient » (« may ») se trouver dans un bâtiment, un emplacement ou un autre lieu. Le critère autorisant le juge à signer un mandat — bien que des articles de contrebande « puissent » se trouver sur les lieux — ne satisfait pas, de l'avis du tribunal, aux exigences constitutionnelles minimums visant les perquisitions et saisies en application du paragraphe en cause.

Le fait que la version française n'autorise la signature d'un mandat que lorsque le juge est convaincu de la présence de contrebande sur les lieux n'a pas été jugé suffisant pour maintenir en vigueur le paragraphe. La Cour estime que les principes d'interprétation applicables exigent que la disposition soit interprétée en fonction de la plus récente manifestation de l'intention du Parlement — la version anglaise, en l'occurrence. En effet, le paragraphe 111(1) du texte anglais de la *Loi sur les douanes* avait été modifié en 1986 alors que la version française était restée inchangée.

La Reine c. Goguen, Hub City Suzuki et Romo Drilling Ltd. (Nouveau-Brunswick)

En juin 1989, la Cour d'appel du Nouveau-Brunswick a déclaré inconstitutionnelle la disposition relative aux mandats de perquisition du même paragraphe 111(1) de la *Loi sur les douanes*, en invoquant les déficiences de la version en

langue anglaise. Ce tribunal a également conclu que le texte anglais traduit l'objet de la Loi et représente la plus récente expression de l'intention du Parlement. La Cour a déclaré que le fait que la version anglaise soit contraire à l'article 8 de la *Charte canadienne des droits et libertés* concernant les fouilles, les perquisitions et les saisies abusives, signifie que le paragraphe 111(1) au complet n'est pas constitutionnel.

Cette affaire met en cause des principes comme celui de la force égale des deux versions, énoncé à l'article 18 de la *Charte canadienne des droits et libertés* (Documents parlementaires) de même qu'à l'article 13 de la *Loi sur les langues officielles* de 1988, et les principes régissant l'interprétation de lois bilingues. La décision a pour effet d'invalider un article de loi au complet, même si l'une des deux versions officielles est nettement constitutionnelle.

CAUSES TOUCHANT L'ARTICLE 23 DE LA *CHARTE CANADIENNE DES DROITS ET LIBERTÉS* OU L'ARTICLE 93 DE LA *LOI CONSTITUTIONNELLE DE 1867*

L'éducation en langue française au Cap-Breton (Nouvelle-Écosse)
Rédigé par le juge en chef de la Nouvelle-Écosse, ce jugement unanime de la Cour d'appel dans la cause du Comité pour une école française à l'Île du Cap-Breton en mars renversait sensiblement la vapeur en regard des deux jugements rendus l'an dernier dans cette affaire par un juge de la Cour suprême de cette province.

La Cour d'appel déclarait, en se fondant sur l'article 24 de la *Charte canadienne des droits et libertés*, que les requérants dans cette affaire ont le droit selon l'alinéa 23(3)*a*) de cette Charte de faire instruire leurs enfants aux niveaux élémentaire et secondaire dans la langue de la minorité, et ceci à même les fonds publics.

Ce jugement unanime s'avère largement plus favorable que les précédents au projet des parents francophones de Sydney. Il ne leur donne cependant pas entièrement satisfaction, puisqu'il estime que leur nombre ne justifie pas un établissement géré par eux-mêmes ou leurs représentants. Il n'écarte cependant pas la possibilité qu'un nombre plus élevé d'enfants leur vaille un jour un établissement distinct.

Par ailleurs, la Cour d'appel estime que la législation antérieure de la Nouvelle-Écosse sur les écoles dites acadiennes « n'entre pas directement en collision avec l'article 23 de la Charte » et peut être maintenue, en dépit de son libellé qui n'en reprend pas tous les éléments.

Ce jugement cite abondamment la jurisprudence antérieure concernant l'article 23 en Cour suprême du Canada et celle des tribunaux d'autres provinces pour préconiser notamment une approche interprétative ouverte, généreuse et qui donne un sens réparateur à cet article. Il reconnaît la légitimité d'un genre d'école française différent des écoles immersives dans le but d'encourager davantage le maintien et le développement de la culture française.

Le tribunal invite enfin les requérants à ne pas hésiter à se représenter devant la Cour pour faire statuer sur toute action prise par la province dans la mise en œuvre du jugement qui ne serait pas conforme à la déclaration du tribunal. Ceci devrait donc les rassurer. La balle est maintenant dans le camp du Conseil scolaire du district du Cap-Breton, et surtout dans celui du gouvernement de la province.

Le régime pédagogique des commissions scolaires confessionnelles du Québec

Plusieurs commissions scolaires protestantes du Québec, dont celle du grand Montréal, avaient contesté le pouvoir du ministre de l'Éducation de leur imposer un régime pédagogique, en s'appuyant sur les droits découlant de l'article 93 de la *Loi constitutionnelle de 1867* concernant les écoles confessionnelles. Cet article, ou son équivalent, s'applique en ce moment, comme on le sait, à l'Ontario, à Terre-Neuve, à la Saskatchewan, à l'Alberta, aux Territoires du Nord-Ouest et au Yukon.

Une des principales divergences actuelles entre la pratique des commissions scolaires protestantes et le régime pédagogique contesté consiste à commencer dès la première année l'enseignement de l'anglais langue seconde dans leurs écoles de langue française, alors que le programme du ministère ne le fait débuter qu'en quatrième année.

La Cour suprême du Canada rejetait en mars l'appel de ces commissions scolaires qui contestaient plus particulièrement la constitutionnalité de deux règlements du ministère de l'Éducation établissant un programme uniforme d'études pour toutes les matières non confessionnelles, dans l'ensemble des écoles du Québec.

La Cour a statué dans ce cas qu'aux termes du paragraphe 93(1) de la *Loi constitutionnelle de 1867* sur les droits des écoles confessionnelles, la province jouit d'une compétence exclusive pour légiférer en matière d'éducation. Toutefois, ce faisant, elle ne peut porter préjudice à un droit ou à un privilège relatif aux écoles confessionnelles que conférait à « une classe particulière de personnes » une loi en vigueur au Bas-Canada, lors de la confédération en 1867. Selon la Cour, le paragraphe 93(1) protège non seulement les aspects confessionnels des écoles ainsi dénommées, mais également les aspects connexes nécessaires à l'efficacité des garanties de cette confessionnalité.

Le fait qu'il s'agisse d'une garantie constitutionnelle constitue selon le tribunal un facteur important pour l'interprétation de l'article 93 : le paragraphe 93(1) mérite donc d'être interprété « en fonction de son objet ». Les tribunaux doivent néanmoins se garder de donner une portée indue à cet objet. Quoiqu'elle puisse avoir des racines dans les notions de tolérance et de diversité, l'exception énoncée à l'article 93 ne constitue pas une affirmation générale de la liberté de religion ou de la liberté de conscience. L'exception ne doit donc pas être interprétée comme s'il s'agissait d'un droit ou d'une liberté de la personne garanti par la *Charte canadienne des droits et libertés*.

Les règlements mis en cause demeurent donc, selon la Cour, dans le cadre des limites de la compétence de la province et ils respectent les garanties constitutionnelles énoncées au paragraphe 93(1). Selon ce système, le ministre a en effet le pouvoir général de créer un régime pédagogique pour l'éducation pré-scolaire et les écoles primaires et secondaires de la province.

Dans le cas des écoles reconnues comme catholiques ou protestantes, ce sont les règlements du Comité catholique ou du Comité protestant du Conseil supérieur de l'éducation qui, le cas échéant, régiront l'enseignement religieux et moral. Or, les règlements contestés dans la présente affaire n'ont pas pour effet de fixer le contenu de l'enseignement moral et religieux dans les écoles protestantes : ils se bornent à inclure cet enseignement parmi les matières considérées comme obligatoires dans toutes les écoles. En ne touchant pas au contenu confessionnel du programme d'études, la province s'est donc conformée à la loi en vigueur en 1867. L'exception à laquelle le paragraphe 93(1) a donné un valeur constitutionnelle a donc été respectée.

La Cour établit aussi majoritairement que c'est le paragraphe 93(1), et non le paragraphe 93(2) pris isolément, qui érige ces droits et privilèges en normes constitutionnelles. La Cour s'estime donc tenue, par le paragraphe 93(1), de déterminer si le pouvoir ou le privilège qui existait dans le Haut-Canada, et que l'on a étendu au Bas-Canada, devenu aujourd'hui le Québec, se rapporte aux écoles confessionnelles, et d'établir si la loi attaquée dans une cause donnée préjudicie à ce pouvoir ou à ce privilège. Aux yeux du tribunal, le pouvoir d'établir le programme d'études, qui a été étendu aux protestants du Québec, n'est constitutionnalisé par l'application du paragraphe 93(1) qu'en autant que cela est nécessaire pour rendre efficace la garantie confessionnelle au Québec.

Deux juges se sont dissociés du jugement majoritaire sur ce dernier point, en soutenant que le paragraphe 93(2) de la *Loi constitutionnelle de 1867* obligeait la Cour à comparer la protection accordée par la loi aux écoles séparées de l'Ontario en 1867 et celle accordée par la loi aux écoles dissidentes du Québec. Si ces pouvoirs s'avéraient plus étendus en Ontario, les requérantes bénéficieraient aussi d'une protection constitutionnelle plus étendue au Québec, la protection accordée par le paragraphe 93(1) ne se limitant pas aux pouvoirs,

privilèges ou devoirs reliés aux aspects confessionnels de ces écoles. En l'espèce, toutefois, les pouvoirs des conseils scolaires des écoles séparées du Haut-Canada (Ontario) sur les programmes d'études dans ces écoles étaient soumis en 1867 au pouvoir de réglementation prépondérant du Conseil d'instruction publique, qui représentait alors la province. Il s'ensuit donc qu'en ce qui concerne le programme d'études, ces pouvoirs, privilèges et devoirs doivent être assujettis, selon les juges dissidents, au même pouvoir de réglementation détenu en l'espèce par le Québec.

Même si le paragraphe 93(2) avait pour objet d'accroître la protection constitutionnelle des écoles dissidentes du Québec, afin de les mettre sur un pied d'égalité avec les écoles séparées de l'Ontario, le législateur québécois demeure encore compétent, selon ces deux juges, pour réglementer les pouvoirs des commissions scolaires dissidentes sur le programme d'études, pourvu toujours que cette réglementation ne préjudicie pas à leur caractère confessionnel.

Cette décision de la Cour suprême du Canada sur l'article 93 de la *Loi constitutionnelle de 1867* intervient à point, au moment où le Québec a demandé, dans un renvoi à sa Cour d'appel, d'évaluer la constitutionnalité de certaines dispositions de sa loi 107, adoptée le 23 décembre 1988. L'entrée en vigueur de ces dispositions a été suspendue en attendant cet avis consultatif. Cette loi a notamment pour objet de remplacer la structure confessionnelle du système d'éducation par un système de commissions scolaires linguistiques, tout en respectant précisément les droits confessionnels constitutionnalisés. C'est à cause de ses incidences linguistiques que nous avons jugé utile de faire référence ici à cet important jugement.

Refus d'entendre à nouveau l'affaire en Cour suprême du Canada

Dans un jugement laconique de deux pages et quart, la Cour suprême du Canada a rejeté par la suite, en août, la requête des parties demanderesses de faire reconsidérer ce jugement. Celles-ci estimaient qu'en tenant compte de toute la documentation soumise à la Cour, et plus particulièrement de certains éléments portés à l'attention du tribunal au moment de la requête, le tribunal n'aurait pu que conclure en leur faveur sur deux points importants du litige.

Le plus haut tribunal du pays a estimé que l'argument invoqué était tel que toute partie déboutée en Cour pourrait le faire valoir pour tenter d'obtenir une nouvelle audition.

Trois autres causes pendantes en matière scolaire :
en Ontario, des questions de droit de gérance et de financement

Une cause intentée l'an dernier par l'Association française des conseils scolaires de l'Ontario (AFCSO) contestant les articles de la loi 125 sur la représentation

des francophones au sein des conseils scolaires et la répartition des postes de conseiller est demeurée pendante devant les tribunaux.

De plus, un contribuable d'Ottawa-Carleton, Gilles Marleau, contestait en juin plusieurs dispositions de la Loi portant sur la création d'un conseil scolaire de langue française pour la municipalité d'Ottawa-Carleton et de la *Loi sur l'évaluation foncière* de l'Ontario, en vue de faire reconnaître à la section catholique et à la section publique du Conseil scolaire de langue française d'Ottawa-Carleton le droit à une part des cotisations scolaires proportionnelle au nombre d'élèves inscrits dans chaque section.

Par la suite, au cours de l'été, quatre contribuables francophones du comté de Stormont, Dundas et Glengarry intentaient à leur tour des poursuites à des fins similaires. Ils réclament une répartition plus équitable des taxes foncières à des fins scolaires des sociétés individuelles et commerciales en faveur des écoles de langue française, tant dans le secteur séparé catholique que dans le secteur public, et que cette répartition soit fondée sur une base proportionnelle au nombre d'élèves inscrits.

L'importance de bien définir la portée de l'article 23 de la Charte

Les arrêts rendus en 1989 n'ont pas permis de percée importante en faveur d'une plus grande reconnaissance des droits à l'instruction dans la langue de la minorité, comme nous l'avions souhaité l'an dernier. Nous attendons beaucoup de la décision de la Cour suprême du Canada dans l'affaire Mahé (Alberta) sur la portée de l'article 23 de la *Charte canadienne des droits et libertés* concernant ces droits. Nous espérons entrevoir enfin, grâce à ce jugement, une solution d'ensemble à tous les problèmes similaires qui subsistent encore dans plusieurs provinces.

L'avis consultatif de la Cour d'appel du Manitoba, prévu pour 1990, dans le renvoi demandé par cette province sur la compatibilité de ses lois scolaires avec l'article 23 de la Charte, sera aussi attendu avec intérêt.

Nous nous réjouissons de la décision de la Saskatchewan (voir le chapitre 2 de la Partie IV) de procéder à une restructuration de ses écoles de langue française, à la suite des recommandations du Comité de coordination pour le contrôle et la gestion des écoles françaises par les francophones.

Comme nous le remarquions l'année dernière, s'il est un aspect des droits linguistiques énoncés dans la Charte qui doive recevoir une application rapide, concrète et efficace, c'est bien celui des droits à l'instruction dans la langue de la minorité. Ce n'est en effet qu'au Québec, au Nouveau-Brunswick et, depuis peu mais de façon fragmentaire en Ontario, qu'a pu se développer jusqu'ici un réseau d'écoles contrôlé par la minorité linguistique.

L'évolution récente des secteurs catholique et protestant au Québec y rend désormais de plus en plus aléatoire la gestion scolaire par la minorité linguistique en ce qui concerne tant les anglo-catholiques que les franco-protestants. (Voir à ce sujet la section sur le Québec au chapitre 2 de la Partie IV.)

C'est d'ailleurs une situation dont le gouvernement du Québec a cherché à corriger les effets depuis plusieurs années, notamment par deux lois récentes destinées à transformer les structures confessionnelles du système scolaire en des structures linguistiques qui respecteraient néanmoins les droits des écoles confessionnelles catholiques et protestantes protégés par la Constitution. Or, la *Loi sur l'enseignement primaire et secondaire public* de 1984 fut déclarée inconstitutionnelle par la Cour supérieure du Québec en 1985 et ne fut donc jamais mise en vigueur. Plusieurs dispositions relatives à cette transformation des structures de la nouvelle *Loi sur l'instruction publique* adoptée en 1988, à la suite du changement de gouvernement, font présentement l'objet d'un renvoi devant la Cour d'appel, qui doit donner un avis consultatif sur leur constitutionnalité.

Par ailleurs, on ne saurait perdre de vue que le libellé de l'article 23 de la *Charte canadienne des droits et libertés* découlait à l'origine de la Résolution de Saint-Andrews de 1977, dans laquelle tous les premiers ministres provinciaux s'étaient engagés « à faire tout leur possible » pour offrir l'enseignement en français et en anglais, sous réserve que le nombre le justifie. En février 1978, ces premiers ministres provinciaux renouvelèrent leur engagement à Montréal, en stipulant que « chaque enfant de la minorité dans chacune des provinces aurait le droit de recevoir l'enseignement dans sa langue dans les écoles primaires et secondaires, partout où le nombre le justifie ».

Aujourd'hui, 13 ans plus tard, nous sommes encore à nous interroger sur la portée véritable de cet article de la Charte, et ce en dépit de son caractère constitutionnel…

LES AUTRES LITIGES LINGUISTIQUES

Le Manitoba a fait l'objet cette année de deux arrêts relatifs à des causes linguistiques, dans deux affaires plutôt inédites :

- l'affaire de la Commission d'enquête sur l'administration de la justice et les autochtones, relative au bilinguisme des décrets dans cette province ;
- l'affaire Guy Jourdain, portant sur les parcomètres unilingues anglais du quartier Saint-Boniface à Winnipeg.

La législation déléguée au Manitoba

Le bilinguisme des décrets

La Cour d'appel du Manitoba statuait à l'unanimité en juin que les deux décrets provinciaux, rédigés en anglais seulement, relatifs à une commission d'enquête sur l'administration de la justice et les peuples autochtones sont invalides et

inopérants. En effet, ils ne constituent pas seulement pour la Cour « une règle ou une directive de gestion interne » à l'administration, mais bien une législation déléguée de la législature du Manitoba affectant le public. De ce fait, ces décrets demeurent soumis aux exigences du bilinguisme législatif, en vertu de l'article 23 de la *Loi sur le Manitoba* de 1870.

Dans la sphère fédérale, la pratique en usage dans ce domaine se conforme d'ailleurs à la règle du bilinguisme des actes lorsqu'ils procèdent de la prérogative royale ou de tout autre pouvoir exécutif et sont de nature publique et générale. Ceci a été sanctionné par les paragraphes 7(1) et 7(2) de la *Loi sur les langues officielles* de 1988. En effet, cette loi étend désormais le bilinguisme aux actes de la prérogative royale — depuis longtemps considérés comme étant de nature uniquement exécutive — et aux autres décrets de nature publique et générale du pouvoir exécutif, et ne le limite pas aux décrets législatifs de caractère réglementaire, comme semblerait le vouloir à première vue l'article 133 de la *Loi constitutionnelle de 1867*, tel qu'interprété par la Cour suprême du Canada dans les arrêts Blaikie I (1979) et Blaikie II (1981).

Il en va de même dans la sphère provinciale au Nouveau-Brunswick, où tous les documents de l'exécutif susceptibles d'être portés à la connaissance du public — notamment dans la *Gazette royale* — sont aussi édictés dans les deux langues. Mais il en va différemment au Québec, où l'interprétation traditionnelle donnée à l'article 133 de la *Loi constitutionnelle de 1867* continue à ne régir que les actes du pouvoir législatif. Ceux-ci comprennent les décrets édictant des règlements, l'arrêt Blaikie II de la Cour suprême du Canada en 1981 ayant étendu l'exigence du bilinguisme à une grande partie de la législation déléguée, à l'exclusion cependant de celle des municipalités et des commissions scolaires.

Au moment de rédiger, nous apprenions que cette affaire sera portée en Cour suprême du Canada par le gouvernement de la province et la Société franco-manitobaine, en vertu de l'ordonnance de ce tribunal de 1985 entérinant un arrangement pris hors-cour entre tous les intervenants qui avaient donné leur accord à l'engagement du Manitoba de traduire ses lois et ses règlements. Cette ordonnance prévoit que toute partie à l'accord peut, en cas de nécessité, demander à la Cour suprême de clarifier une partie de son avis consultatif dans le renvoi sur l'article 133 de la *Loi constitutionnelle de 1867* et sur l'article 23 de la *Loi sur le Manitoba* de 1870.

Les parcomètres doivent-ils être bilingues ?

L'affaire Guy Jourdain, Winnipeg (Manitoba)

Dans un jugement rendu dans les deux langues, un juge de la Cour provinciale du Manitoba, Division criminelle, acquittait en juin Guy Jourdain d'une contravention pour avoir stationné sa voiture sans acquitter les droits requis, devant un parcomètre qui n'indiquait qu'en anglais « expired parking time », dans le quartier Saint-Boniface à Winnipeg.

Le tribunal a estimé en effet : 1) qu'un panneau de stationnement fixé sur un poteau ou un parcomètre constituait bel et bien un panneau de circulation routière ; et 2) que le paragraphe 80(4) de la *Loi sur la ville de Winnipeg*, en exigeant des panneaux de circulation bilingues dans le district de Saint-Boniface, ne violait pas l'article 15 (sur les droits à l'égalité) de la *Charte canadienne des droits et libertés*. Puisque la ville n'a pas respecté sa loi constitutive, le juge en conclut qu'il serait inéquitable dans les circonstances de reconnaître l'accusé coupable.

Cette décision porte sur une question linguistique, mais elle ne traite d'aucune version des deux lois fédérales sur les langues officielles (celles de 1969 ou de 1988), ni des dispositions relatives de la *Charte canadienne des droits et libertés*, ni de l'article 23 de la *Loi sur le Manitoba* de 1870. Il est intéressant cependant de constater que la Cour a conclu à l'acquittement de l'accusé, tandis que la Cour suprême du Canada en 1986 avait condamné majoritairement le professeur Bilodeau qui avait invoqué en défense l'unilinguisme de la *Highway Traffic Act* du Manitoba et de la sommation qu'on lui avait signifiée. On se rappellera que la Cour suprême avait appuyé alors sa décision sur trois principes : le principe de nécessité, le principe de la validité *de facto* des lois et le principe de la primauté du droit.

L'évolution des arrêts judiciaires et la *Loi sur les langues officielles*

Un important contentieux se cristallisait, notamment dans la sphère fédérale, pendant la décennie qui s'est achevée, en ce qui a trait à la langue des procédures devant les tribunaux, par suite des affaires Lefebvre et Paquette (Alberta), Mercure et Tremblay (Saskatchewan), Robin (Manitoba), MacDonald (Québec), Saint-Jean (Yukon) et SANB (Nouveau-Brunswick) que nous avons toutes relevées dans nos rapports annuels antérieurs. La *Loi sur les langues officielles* de 1988 est heureusement venue corriger la situation découlant de cette jurisprudence. Cette loi dépasse en effet nettement les garanties constitutionnelles minimales de l'article 133 de la *Loi constitutionnelle de 1867*, et de ses équivalents sur les droits linguistiques devant les tribunaux, lorsqu'elle traite de l'administration de la justice par les tribunaux fédéraux ou des droits de l'accusé en matière criminelle. Sur ce point, elle est une bonne illustration du principe de la progression vers l'égalité de statut ou d'usage du français et de l'anglais par la voie législative, qu'évoque la *Charte canadienne des droits et libertés*.

Cette loi constitue dans une certaine mesure une réponse gouvernementale à l'approche plutôt restreinte adoptée par une majorité de juges de la Cour suprême du Canada dans plusieurs causes, dont les affaires *MacDonald*, *Bilodeau* et *Société des Acadiens du Nouveau-Brunswick*. Le législateur a ainsi reflété la volonté du gouvernement d'améliorer les services bilingues des tribunaux et d'entreprendre un dialogue avec les représentants des provinces afin d'établir un échéancier pour que les procès au criminel puissent se dérouler dans les deux langues officielles, partout au pays. Ce fait est désormais acquis.

Le code criminel — le juge et la langue de l'accusé

Entrée en vigueur de la partie XVII (ex XIV.1) du Code criminel

Depuis le 1er janvier 1990, les articles du Code criminel qui permettent d'opter pour une enquête préliminaire et un procès devant un juge (ou un juge et un jury) qui parle la langue officielle de l'accusé sont en vigueur dans l'ensemble du pays. Ceci vaut tant pour les infractions punissables par procédure sommaire que pour les actes criminels.

Toutefois, ces articles n'étaient pas encore en vigueur au 31 décembre 1989 dans quatre provinces : l'Alberta, la Colombie-Britannique, Terre-Neuve et le Québec. Le Québec était, par ailleurs, soumis à la fois à l'article 133 de la *Loi constitutionnelle de 1867* et à l'article 627 du Code criminel sur les jurys mixtes. La Nouvelle-Écosse et l'Île-du-Prince-Édouard réservaient jusque-là son application aux procès pour les infractions punissables par procédure sommaire.

Même si ces articles ne relèvent pas formellement de la *Loi sur les langues officielles* mais plutôt du Code criminel, ils furent adoptés par le Parlement en même temps que celle-ci. Nous souhaitons donc signaler son entrée en vigueur *a mari usque ad mare* comme un pas de plus dans la progression vers l'égalité de statut et d'usage du français et de l'anglais, ainsi qu'une consécration dans l'ensemble du pays d'une meilleure garantie du droit fondamental pour tous les Canadiens, et même pour toutes les personnes : le droit à un procès juste.

LÉGISLATION LINGUISTIQUE EN ONTARIO ET RÉGLEMENTATION AU QUÉBEC

Législation ontarienne

Le 19 novembre aura marqué en Ontario l'entrée en vigueur de toutes les dispositions de la *Loi sur les services en français*. Elle a aussi vu le dépôt ou l'adoption de plusieurs projets de loi destinés à reconnaître un statut à la langue française, à accroître les droits des francophones ou à en faciliter l'exercice. C'est là une évolution dont nous nous félicitons. Citons, à titre d'exemples, les projets de loi suivants déposés en fin d'année à l'Assemblée législative de Toronto :

- le projet de loi 62, modifiant la *Loi sur les tribunaux* ;
- le projet de loi 64, modifiant la *Loi sur l'éducation* et certaines autres lois relatives à l'évaluation foncière pour fins d'éducation ;
- le projet de loi 65, modifiant la Loi de 1988 sur le Conseil scolaire de langue française d'Ottawa-Carleton ;
- le projet de loi 74 sur la codification et la refonte des lois de l'Ontario ;
- le projet de loi 75 sur la réglementation de la refonte des lois de l'Ontario.

Règlement sur l'affichage commercial au Québec
En juillet, le gouvernement du Québec adoptait un règlement sur l'affichage commercial à l'intérieur des établissements. Ce règlement vise à faciliter la mise en œuvre de la loi 178, dans les cas où l'affichage public et la publicité peuvent aussi être faits à la fois en français et dans une autre langue, pourvu qu'ils soient destinés au public qui s'y trouve et que le français y figure de façon nettement prédominante.

Le règlement vient préciser que le français figure de façon nettement prédominante « lorsque le texte français a un impact visuel beaucoup plus important que le texte dans l'autre langue ». Il donne trois exemples, illustrés par des situations concrètes, où on pourra présumer que le texte français a un impact visuel beaucoup plus important, sur une même affiche, sur des affiches distinctes de même dimension et sur des affiches distinctes de dimensions différentes. C'est ce que l'on a désigné sous le nom de la « règle du 2 pour 1 ».

En dépit de ce nouveau règlement, rappelons que l'affichage public et la publicité commerciale doivent continuer pour le moment à se faire uniquement en français dans les circonstances suivantes : a) à l'extérieur ou quand ils sont destinés au public qui s'y trouve ; b) à l'intérieur d'un centre commercial et de ses accès ; c) à l'intérieur de tout moyen de transport public et de ses accès ; d) à l'intérieur des établissements des entreprises de plus de cinquante employés (qui doivent posséder un certificat de francisation) ; et enfin e) à l'intérieur des entreprises de moins de cinquante mais plus de cinq employés partageant une franchise avec au moins deux autres entreprises.

Cependant, dans le cas des entreprises soumises à un programme de francisation et des entreprises franchisées, celles-ci pourront faire l'objet d'une réglementation ultérieure 1) « établissant des conditions et des modalités » selon chaque catégorie d'entreprises et 2) « renforçant les conditions » pour leur permettre d'afficher à la fois en français et dans une autre langue. Cette réglementation se fait toujours attendre.

Une initiative récente bienvenue au Manitoba
Nous nous réjouissons (voir le chapitre 2 de la Partie IV) de la nouvelle politique manitobaine sur les services provinciaux bilingues dans les régions désignées, où se concentre la population francophone, en raison du caractère à la fois global et nuancé de cette politique. Voilà une initiative bien conçue et susceptible de servir d'exemple ailleurs. Nous aurions préféré cependant que cette saine politique ait été exprimée dans une loi, consacrant les droits des francophones. Nous renvoyons le lecteur au chapitre sur les minorités pour plus de détails au sujet de cette politique.

Vers une politique intégrée pour tous les tribunaux du Nouveau-Brunswick
À la demande de l'Association des juristes d'expression française, le Premier ministre du Nouveau-Brunswick s'est engagé en novembre 1989 à proposer une nouvelle politique administrative pour tous les tribunaux de la province, en incorporant plusieurs modifications législatives, dans le but d'accroître la capacité bilingue des tribunaux judiciaires et administratifs de la province.

Tous les francophones du Nouveau-Brunswick se sont réjouis de l'annonce faite à la fin de 1989 par leur Premier ministre provincial de son intention de donner suite au projet d'enchâsser dans la Constitution du Canada le principe de la *Loi reconnaissant l'égalité des deux communautés linguistiques officielles au Nouveau-Brunswick*.

LE PROGRAMME D'AIDE À LA CONTESTATION JUDICIAIRE ET SON RENOUVELLEMENT

Nous sommes intervenus en septembre devant le Comité permanent des droits de la personne et de la condition des personnes handicapées de la Chambres des communes afin de recommander le maintien et, au besoin, l'élargissement du Programme d'aide à la contestation judiciaire pour ce qui est de sa composante linguistique. Nous avons cherché à démontrer le rapport entre les droits linguistiques et les droits de la personne en soulignant, à l'aide de la jurisprudence canadienne récente, l'étroitesse des liens qui unissent les droits linguistiques et les autres droits de la personne. Nous rappelions enfin l'importance vitale de ce programme pour les minorités de langue officielle, même si l'aide octroyée à des causes linguistiques n'en constitue qu'une fraction.

Nous nous sommes donc réjouis d'apprendre qu'en décembre le Comité permanent des droits de la personne et de la condition des personnes handicapées de la Chambre des communes avait recommandé à l'unanimité à la Chambre que le Programme d'aide à la contestation judiciaire soit renouvelé pour une période de dix ans, allant du 1er avril 1990 au 31 mars 2000. Le Comité a aussi recommandé qu'un comité parlementaire des droits de la personne soit chargé de procéder à un examen du programme en 1993-1994 et en 1998-1999. Le Comité a enfin estimé qu'il faudrait trancher la question du prolongement éventuel du programme avant le 31 mars 1999, pour faciliter aux utilisateurs la planification de leur travail.

Cependant, le Comité a également recommandé que le financement accordé par le Programme aux contestations portant sur des droits linguistiques ne soit pas étendu à la contestation de lois non constitutionnelles, comme l'avaient réclamé les groupes de défense des droits linguistiques minoritaires. Selon ses membres, l'élargissement du programme en ce sens aurait de nouveau créé un déséquilibre entre les mandats du Comité de financement des droits linguistiques et de celui

des droits à l'égalité du Conseil canadien de développement social, qui distribue les subventions, ce que le Comité considère inéquitable.

Le Comité craint en outre les répercussions considérables qu'entraînerait un financement fédéral non seulement des causes fondées sur des droits reconnus par la Constitution, mais encore des causes fondées sur des lois provinciales, ce qui dépasserait largement le cadre original du mandat du programme. Le Comité est d'avis qu'on risquerait ainsi de soulever des questions fédérales-provinciales extrêmement délicates.

Le Comité reconnaît cependant que les demandes formulées par les groupes concernés d'étendre les subventions aux causes fondées sur des dispositions législatives non constitutionnelles en matière linguistique démontrent que la structure actuelle du Programme n'a pas permis de répondre pleinement à certains besoins. Étant donné l'importante portée nationale de certaines questions liées aux droits linguistiques, le comité parlementaire suggère donc que le gouvernement fédéral prenne l'initiative de se pencher sur les motifs de cette insatisfaction, qui demeure persistante au sein des groupes linguistiques minoritaires. Comme nous l'avions nous-mêmes indiqué lors de notre comparution, les droits de la personne sont indivisibles. Tant qu'ils peuvent être menacés dans une sphère donnée, nous ne devons surtout pas baisser notre garde !

3. Le Comité mixte permanent des langues officielles : « suivre l'application de la Loi »

Pour la deuxième année d'affilée, les circonstances ont voulu que l'activité du Comité mixte permanent des langues officielles soit réduite à quelques séances seulement. Le Comité a été reconstitué après les élections fédérales, au début de la nouvelle session parlementaire. Ainsi, la liste des membres provenant de la Chambre des communes a été connue le 14 avril, tandis que les membres du Sénat n'ont été nommés que le 6 juin. La coprésidence du Comité, quant à elle, n'a pas été modifiée, les mêmes personnes ayant été reconduites dans leurs fonctions. Un mandat élargi a été confié au Comité, énoncé comme suit dans l'article 88 de la *Loi sur les langues officielles* de 1988 :

> « Le Parlement désigne ou constitue un comité, soit du Sénat, soit de la Chambre des communes, soit mixte, chargé spécialement de suivre l'application de la présente loi, des règlements et instructions en découlant, ainsi que la mise en œuvre des rapports du commissaire, du président du Conseil du Trésor et du secrétaire d'État du Canada. »

Le 21 juin dernier, à la suite d'une rencontre organisationnelle, le Comité a convoqué son premier témoin : le Commissaire aux langues officielles. Exposant les aspects déterminants du *Rapport annuel 1988*, M. Fortier a souligné l'importance du « Plan directeur » destiné à assurer la mise en œuvre de la nouvelle loi. Il a reproché aux administrations centrales leur rendement inégal en matière de langues officielles, s'attardant à la situation précaire des petites collectivités minoritaires. Dans ses réponses aux questions judicieuses qui furent posées à ce sujet, le Commissaire a soutenu qu'il était urgent d'adopter une réglementation d'interprétation large touchant la « demande importante » et la « vocation de bureau ». Il a également fait valoir toute l'importance de satisfaire pleinement les droits en matière d'éducation en langue minoritaire pour assurer l'épanouissement des minorités de langue officielle.

Le 29 octobre, au terme des vacances parlementaires, le Commissaire comparaissait de nouveau devant le Comité afin de poursuivre sa présentation du rapport annuel. Il apporta cette fois des précisions sur l'affectation des crédits du budget 1989-1990 du Commissariat et fit part des initiatives que celui-ci

envisageait de prendre. Il répondit aux questions, souvent incisives, portant sur la participation des francophones et des anglophones au sein du Commissariat et sur divers autres dossiers liés à l'équité en matière d'emploi (voir annexe A). En dernier lieu, le Commissaire a déposé plusieurs rapports sur les vérifications d'institutions fédérales qu'effectue la direction des Plaintes et Vérifications, ainsi que deux études, l'une sur le respect de la *Loi sur les langues officielles* lors d'événements nationaux et internationaux tenus au Canada et à l'étranger, l'autre sur l'analyse d'un sondage sur la langue de travail, mené auprès des fonctionnaires du Nouveau-Brunswick. (Le lecteur trouvera un compte rendu de ces études aux pages 98 et 113-114 du *Rapport annuel 1988*.)

Le recensement décennal de 1991

Le Comité s'est également penché sur les préparatifs en vue du recensement décennal de 1991. Trois séances ont été consacrées à la nature et à l'étendue des questions portant sur la langue.

M. Ivan Fellegi, statisticien en chef du Canada, fut le premier témoin à comparaître devant le Comité. Ce dernier s'opposa vivement à l'une des propositions de Statistique Canada qui voulait intégrer la question sur la « langue maternelle » seulement dans la version « intégrale » du questionnaire distribué à un ménage sur cinq, plutôt que dans la version « abrégée » distribuée à l'ensemble de la population. Lors des recensements précédents, cette question apparaissait toujours dans le questionnaire abrégé.

Le Commissaire, qui partageait à ce sujet l'avis des membres du Comité, a soutenu que la question portant sur la langue maternelle devait comme par le passé figurer dans la version abrégée du questionnaire. Il invoqua l'article 23 de la *Charte canadienne des droits et libertés*, en vertu duquel les droits à l'éducation dans la langue de la minorité s'appuient en partie sur les principes de la « première langue apprise et encore comprise » par les parents et de la « justification par le nombre ». En fait, on avait recouru au libellé de la question dans le recensement pour définir la langue maternelle à l'article 23. Vus sous cet angle, les chiffres deviennent un facteur déterminant et la marge d'erreur doit être réduite au minimum. Si un échantillon de 20 p. 100 suffit dans le cas des régions à forte densité de population, la marge d'erreur s'accroît dans les régions moins peuplées. Facteur non négligeable si l'on considère qu'un pourcentage élevé de francophones à l'extérieur du Québec, et d'Anglo-Québécois à l'extérieur de Montréal, vivent dans des petites collectivités. De même, un échantillon de 100 p. 100 s'avérera des plus utiles lorsqu'il faudra définir la demande importante dans la réglementation sur les communications avec le public et la prestation des services, qui sera établie en vertu de la *Loi sur les langues officielles*.

On doit également tenir compte d'une certaine dimension symbolique. En effet, si on supprime cette question de la version abrégée, quatre Canadiens sur cinq ne

fourniront aucune donnée linguistique. Depuis 1941, à quelques variantes près, la question sur la langue maternelle a toujours fait partie des questionnaires de recensement. Par conséquent, cet élément de continuité faciliterait la tâche aux chercheurs qui s'emploient à tracer l'évolution démographique du Canada. En revanche, la suppression de la question dans la version abrégée introduirait la notion d'approximation. (Le lecteur trouvera à l'annexe B de plus amples détails sur la nature et le rôle des questions d'ordre linguistique dans le recensement canadien.)

Le 2 novembre, M. Guy Matte, président de la Fédération des francophones hors Québec, faisait part de ses vues sur la question au Comité. Il a reproché à Statistique Canada de ne pas avoir invité les groupes minoritaires de langue officielle à participer à l'élaboration et à la formulation des questions du recensement, soulignant que l'organisme n'avait pas jugé opportun de communiquer avec son organisation. À son avis, le besoin de disposer de statistiques plus détaillées sur l'utilisation des langues officielles dans divers contextes est ressenti partout.

Le statisticien en chef du Canada comparaissait de nouveau le 28 novembre devant le Comité. M. Fellegi a alors indiqué au Comité que son Bureau recommanderait au Cabinet d'inclure la question sur la langue maternelle dans le questionnaire distribué à tous les ménages. Le Comité a néanmoins jugé bon d'obtenir de plus amples renseignements auprès du ministre responsable de Statistique Canada, M. Harvie Andre, dont on annonça la comparution à une date ultérieure. Après une rencontre de planification, le Comité a repris son activité régulière qui consiste à s'assurer que les institutions fédérales mettent en œuvre la *Loi sur les langues officielles*.

Le rendement des ministères

Le 5 décembre, le ministre des Transports, M. Benoît Bouchard, est venu à son tour exposer et justifier le rendement de son ministère en matière de langue de service, de langue de travail et de possibilités d'emploi. Assailli de questions sur la piètre qualité des services en français dans les aéroports, M. Bouchard a admis que la situation laissait à désirer, notamment en ce qui a trait aux contrôles de sécurité. Il a affirmé que son ministère préparait actuellement une réglementation touchant la santé et la sécurité publiques en vertu de l'article 26 de la *Loi sur les langues officielles*, une initiative qui devrait aboutir à des résultats concrets.

Enfin, le Comité convoquait le 12 décembre le ministre de la Défense nationale, M. William McKnight. Les membres se sont penchés sur deux questions importantes : l'usage du français comme langue de travail et l'instruction en français à l'intention des militaires. Le Comité s'est montré particulièrement préoccupé par le faible taux de participation des employés civils francophones chez les cadres et les gestionnaires, ainsi que par l'unilinguisme anglais des documents de travail. M. McKnight a reconnu que ces problèmes étaient sérieux, mais il a fait

part de certains progrès accomplis à ce chapitre. Les recommandations de 1987 du rapport spécial du Commissaire au Gouverneur en conseil se seront révélées utiles à cet égard.

Le Comité s'est consacré en fin d'année à planifier son examen de l'ébauche de la réglementation sur les communications avec le public et la prestation des services, qui devait être déposée au début 1990. Nous espérons qu'il sera en mesure d'accélérer le rythme des vérifications du rendement linguistique des institutions fédérales. Rien ne vaut les questions avisées du Comité pour sensibiliser les organismes affichant une piètre performance à leurs obligations linguistiques. À cet égard, et à bien d'autres, le Comité peut compter sur l'appui sans réserve du Commissaire et de son équipe.

4. Politiques et programmes : un engin à deux vitesses

a. Les agences centrales

Un examen du rendement fédéral dans la mise en œuvre de la *Loi sur les langues officielles* doit tenir compte de ses trois composantes pertinentes : l'égalité des deux langues dans les organismes fédéraux, les dispositions relatives à l'appui aux minorités et enfin, celles qui se rapportent à la promotion des langues officielles dans la société canadienne.[1] Dans le présent chapitre, nous nous proposons d'en faire la synthèse, en abordant les sujets selon qu'ils font l'objet de programmes internes ou externes à l'administration.

D'une part, les **politiques et les programmes internes** ont pour objectif de s'assurer que l'appareil fédéral sert le public canadien dans les deux langues officielles, que les employés des régions désignées bilingues peuvent travailler dans la langue officielle de leur choix, et enfin que les Canadiens d'expression française et d'expression anglaise sont équitablement représentés au sein des organismes fédéraux. Ces aspects nécessitent une importante infrastructure, et toutes les institutions fédérales doivent répondre à ces exigences. Cependant, la responsabilité en incombe particulièrement au Conseil du Trésor, à la Commission de la fonction publique et, pour la traduction et l'interprétation, au Secrétariat d'État. On trouvera à la première section du présent chapitre une description de ces aspects.

D'autre part, les **politiques et les programmes externes** ont pour objet, selon la Loi, de « favoriser l'épanouissement des minorités francophones et anglophones... et [d']appuyer leur développement » et de « promouvoir la pleine reconnaissance et l'usage du français et de l'anglais dans la société canadienne ». La deuxième section de ce chapitre traite du rôle central du Secrétariat d'État en regard de ces programmes externes, dont il sera également question dans les parties consacrées aux minorités et à l'éducation. Nous examinons enfin

[1] La Loi comporte aussi des dispositions relatives aux langues officielles dans les débats et les travaux parlementaires, les actes législatifs et l'administration de la justice.

sommairement le rôle et l'importance de la recherche pour la défense et la mise en valeur des langues officielles.

* * *

Il incombe au **Bureau du Conseil Privé**, qui constitue pour ainsi dire le ministère du premier ministre, d'assurer la coordination générale et d'imprimer, lorsque cela est nécessaire, la dynamique et les grandes orientations dans certains domaines prioritaires. Il est regrettable, à notre sens, que la conjoncture politico-économique ne lui ait manifestement pas laissé l'occasion de jouer un rôle actif dans ce dossier. Cela peut expliquer en bonne partie les lenteurs et le manque de coordination observés dans plusieurs domaines. Nous espérons vivement, en raison des exigences de la situation, que le Bureau s'engagera davantage en 1990.

Le **Conseil du Trésor,** de par ses attributions statutaires et les responsabilités que lui confie expressément la *Loi sur les langues officielles*, est amené à jouer un rôle de maître d'œuvre. Il est chargé d'élaborer les règlements, les politiques et les directives ; d'informer les cadres et les employés de leurs obligations et de leurs droits ; de surveiller l'application du programme des langues officielles et d'évaluer l'efficacité des principes et des programmes.

La **Commission de la fonction publique** exerce principalement ses activités dans les domaines du recrutement et de la formation, lesquels ont des répercussions non négligeables sur le programme des langues officielles.

Le **Secrétariat d'État** joue un rôle essentiellement tourné vers l'extérieur de la fonction publique, et il s'est vu confier par la Loi une mission fort importante de coordination interministérielle.

PROGRAMMES INTERNES : L'ADMINISTRATION FÉDÉRALE

Le maître du jeu : le Secrétariat du Conseil du Trésor

Règlements et directives

La mise au point de la réglementation sur les communications et les services a été, pour des raisons évidentes, au centre des préoccupations du Secrétariat du Conseil du Trésor (SCT). Ce dernier a consulté, durant les étapes préliminaires, les associations minoritaires, certains organismes fédéraux ainsi que le Commissaire aux langues officielles. Malheureusement, l'année s'est terminée et aucun avant-projet n'a été déposé au Parlement, contrairement à l'engagement ministériel au Parlement de le faire « bien avant la fin » de 1989. Compte tenu des délais prévus par la *Loi sur les langues officielles* pour l'examen des règlements par les deux Chambres et leur publication dans la *Gazette du Canada*, on ne saurait guère en envisager la proclamation avant l'été 1990. Quant à leur entrée en vigueur, elle pourrait être bien postérieure à cette date puisqu'il est question d'un délai d'un an après la proclamation ; trois années se seront alors écoulées

depuis l'adoption de la Loi. À ce rythme, combien d'années faudra-t-il pour la mise sur pied de l'ensemble de la réglementation ? Nous verrons quelles conclusions il convient d'en tirer.

Les règlements devraient correspondre aux recommandations de notre Plan directeur de l'an dernier et répondre à un certain nombre de critères, c'est-à-dire refléter la lettre et l'esprit de la Loi, ainsi que les objectifs de promotion des minorités, qui sont énumérés dans le Préambule ; être faciles à comprendre du public et aisément mis en œuvre par les organismes fédéraux ; tenir compte de l'absence traditionnelle de services à certains bureaux qui devraient les offrir ; et traiter les différentes communautés de façon équitable.

Sans sous-estimer l'ampleur de la tâche, nous ne pouvons que déplorer l'absence de plan global et le manque d'engagement de la part du Conseil du Trésor. Pendant ce temps, dans l'administration, l'attentisme l'emporte sur le dynamisme, la stagnation sur la progression. Rien d'étonnant dans ces conditions que le nombre de plaintes ait augmenté de 25 p. 100 en 1989.

Quant aux règlements sur la langue de travail, ils semblent être encore au stade embryonnaire. La première phase de l'étude annoncée l'an dernier sur l'analyse des facteurs qui facilitent ou entravent l'usage des deux langues en milieu de travail est maintenant achevée, et les informations recueillies devraient être utilisées pour la mise au point de cette partie de la réglementation. Mais quand celle-ci verra-t-elle le jour ? Et sera-t-elle conforme au cadre que nous recommandions l'an dernier ?

Ni les protocoles d'entente, ni la perspective de règlements, ni la Loi ne sauraient remplacer le pain quotidien que sont, pour les organismes, les directives et les politiques. Or, l'alimentation de ces organismes n'a consisté qu'en un avis du Conseil du Trésor en date du 7 septembre 1988 (c'est-à-dire avant la proclamation de la Loi) soulignant que « dès qu'elle aura été promulguée, la Loi prendra effet dans toutes ses dispositions, notamment celles prévoyant un recours éventuel devant la Cour fédérale » et que « les politiques existantes demeureront en vigueur tant et aussi longtemps qu'elles n'auront pas été remplacées soit par une nouvelle directive, soit par un nouveau règlement ».

Le désir de ne pas laisser croire que la promulgation de la Loi allait entraîner un vide était certes louable, mais de là à penser que cette loi constituait simplement une synthèse des politiques passées, il n'y avait qu'un pas. Et malheureusement, peu d'éléments sont vraiment venus désabuser les responsables dans les organismes — pas même les quelques renseignements transmis dans le *Guide des gestionnaires* en mai 1989. Dans certains cas, il faudra que les règlements viennent définir les modalités d'application, mais en attendant — et l'attente se prolonge, car elle a commencé bien avant la promulgation de la Loi — les organismes doivent se fier à deux volumes et 12 ans de directives diverses qui, faute d'indications contraires, sont toutes censées refléter la lettre et l'esprit de la

nouvelle loi. (L'exception confirmant la règle, une directive sur la technologie de l'information a été émise en décembre 1988.)

Et pourtant, ce ne sont pas les orientations à fournir qui manquent car, dans de nombreux cas, on ne peut s'offrir le luxe d'attendre un cadre réglementaire. Voilà pourquoi la deuxième recommandation de notre Plan directeur de 1988 (qui en comportait 60) portait sur la mise au point de principes directeurs, étape intermédiaire indispensable entre une information générale et une révision complète des politiques.

Offre active — Les premières politiques sont vagues, mais les plus récentes sont conformes aux exigences de la Loi. Malheureusement, elles sont éparpillées dans divers documents et circulaires, dont certains traitent également d'autres sujets. Dans la brochure intitulée *La nouvelle* Loi sur les langues officielles *et vous*, on a omis de signaler aux employés la nouvelle obligation juridique concernant l'offre active des services. Il convenait donc de fournir des instructions précises et ordonnées pour compléter les circulaires existantes.

Demande importante — En 1982, le Conseil du Trésor a produit une liste des secteurs dans lesquels tous les ministères étaient tenus d'offrir leurs services dans les deux langues. Les règlements applicables contiendront d'autres précisions à ce sujet. En attendant, toutes les institutions doivent noter que les dispositions de la nouvelle loi en matière de communications et de services s'appliquent à certains « bureaux » et « lieux ». Les gestionnaires ont besoin de directives sur les moyens de communications acceptables et sur les services que doivent dispenser les bureaux en question. Bien qu'un certain flottement puisse subsister dans les cas limites, tant que le règlement n'aura pas été adopté, la notion de demande importante n'est pas inconnue des fonctionnaires.

Article 91 — Rappelons que cet article énonce que l'on ne saurait, au moment de la dotation, attribuer aux postes des normes linguistiques que les fonctions ne justifieraient pas objectivement. Cette disposition revêt effectivement une grande importance, tant au plan de la justesse qu'à celui de la justice. Justesse, car c'est un niveau approprié de compétence linguistique qui permet d'assurer le plein respect des droits du public et des employés d'être servis dans la langue de leur choix. Justice, car les candidats et les titulaires ne doivent être ni pénalisés ni avantagés par des niveaux linguistiques trop élevés ou trop bas, soit pour leur propre poste, soit pour celui auquel ils postulent. Le contribuable ne doit pas non plus être pénalisé par la prestation de primes aux titulaires de postes qui n'exigent pas vraiment le bilinguisme.

L'article 91 a également des répercussions sur l'application de l'article 39, qui a pour but d'assurer « des chances égales d'emploi et d'avancement » aux Canadiens d'expression française et d'expression anglaise. Ce faisant, il conditionne aussi l'accès à la formation et au perfectionnement linguistiques, dont les

conditions sont fondées en grande partie sur la désignation linguistique des postes. L'article 91 constitue donc un des éléments centraux de la charpente du programme des langues officielles. Dans ces conditions, on peut s'étonner que cet article n'ait fait l'objet d'aucune directive de la part des organismes centraux.

Les critères d'application de cet article doivent pourtant être précisés, en particulier en ce qui touche le caractère objectif des exigences dans la désignation linguistique des postes. Les employés fédéraux, quant à eux, semblent avoir saisi les possibilités de cette disposition, si l'on en juge par le nombre de plaintes déposées auprès du Commissaire.

Recours aux médias de la minorité de langue officielle — Les mentions du recours aux médias de la minorité linguistique sont trop dispersées et imprécises pour être très utiles aux institutions. De nouvelles politiques sur cette question permettraient d'assurer l'application des nouvelles dispositions législatives.

Sociétés d'État — Le Conseil du Trésor a maintenant la responsabilité formelle de l'application de la Loi dans tous les organismes, y compris les sociétés d'État. Il ne saurait donc poursuivre à leur égard sa politique de « non-ingérence, non-indifférence » et il doit les guider clairement dans l'application de la Loi, bien au-delà du processus des protocoles d'entente.

Droits relatifs à la langue de travail — Les « droits » reconnus auparavant aux employés fédéraux en matière de langue de travail découlaient de politiques fondées sur la Résolution parlementaire de 1973. Un bon nombre de ces principes font l'objet de dispositions dans la nouvelle loi. Malgré l'absence de règlements, il faudrait fournir aux institutions des instructions plus précises sur les répercussions des nouvelles dispositions de la Loi concernant la langue de travail.

Documents de travail — La fourniture dans les deux langues officielles de la documentation « d'usage courant et généralisé » dans les régions désignées constitue désormais une obligation juridique. Il y aurait lieu d'établir des directives plus claires en fonction du libellé de la Loi.

Pouvoir réglementaire — Les nouvelles responsabilités relatives à la réglementation en matière de santé ou de sécurité du public sont étroitement liées à la nécessité de définir ces termes. Les organismes de réglementation devraient être engagés dans l'interprétation de l'article 26 et établir des instructions précises dans leur secteur de compétence. Par souci d'uniformité, il aurait été bon qu'on essaie de s'entendre sur le sens de ces termes tels qu'ils sont employés dans la Loi.

La liste ci-dessus n'est pas exhaustive. Il est à espérer qu'elle incitera les institutions à établir des politiques plus claires et plus simples à l'appui de la Loi. Bien

qu'il faille attendre les précisions qu'apporteront les règlements dans certains cas, de nombreuses questions auraient pu être réglées au moment de la rédaction des projets de règlement. Une révision des politiques actuelles s'impose en vue de les ordonner, de les adapter, de les réorienter et de les rendre plus complètes et plus faciles à consulter pour les gestionnaires et les spécialistes.

Rapport annuel

Le Secrétariat a également préparé le premier rapport annuel du Conseil du Trésor sur les programmes de langues officielles portant sur l'exercice 1988-1989, qui a été déposé au Parlement en décembre 1989 par son Président. Nous souhaitons la bienvenue à ce nouveau collègue, institué par la Loi. Le rapport décrit tout d'abord l'originalité de la méthode canadienne en matière de gestion des langues officielles dans l'administration publique et, dans une approche délibérément optimiste, il fait état des progrès réalisés au cours des deux dernières décennies. Il renseigne également le lecteur sur les activités courantes du Conseil ; nous en faisons d'ailleurs état plus loin dans ce chapitre. De nombreux indicateurs servent à jauger l'évolution de la réforme du régime linguistique. Il remplit ainsi une fonction utile d'information, mais ne contient pas cependant d'analyse critique, ni d'évaluation sur la progression de l'efficacité des programmes gouvernementaux.

Le Secrétariat du Conseil du Trésor s'est employé par ailleurs à informer, en termes généraux, les employés et les gestionnaires fédéraux des principales retombées de la *Loi sur les langues officielles* de 1988 en matière de service au public, de langue de travail et de participation, sous l'angle des droits et des responsabilités des différents intervenants.

À la suite de nos interventions et d'une recommandation du Comité mixte permanent des langues officielles, un guide a été publié afin d'aider les organisateurs d'événements nationaux et internationaux à tenir compte des langues officielles dans les différents aspects de leur organisation. Afin de couvrir tous les éléments de la question et de répondre à notre recommandation de l'an dernier, le Conseil du Trésor devra émettre une directive à l'intention des organismes fédéraux.

De nos travaux et des diverses rencontres tenues cette année avec plus d'une cinquantaine de représentants ministériels des langues officielles, il ressort que de nombreux organismes n'affectent pas les ressources humaines et financières nécessaires à une gestion adéquate des programmes de langues officielles. Dans le but de mieux connaître la situation, nous comptons, au cours de 1990, mener une étude transversale sur cette question auprès d'un certain nombre d'institutions. Nous nous inspirerons pour ce faire de la politique du Secrétariat du Conseil du Trésor sur l'organisation et l'intégration du programme des langues officielles dans la fonction publique. Il va de soi que l'étude tiendra compte des engagements contenus, le cas échéant, dans les protocoles d'entente des institutions.

Rouages du programme

Protocoles d'entente — ministères

À la suite de notre recommandation de l'an dernier, le Secrétariat du Conseil du Trésor (SCT) a accéléré la conclusion des protocoles d'entente avec les ministères, passant de quatre à 25. Cependant, il n'en accuse pas moins, à ce chapitre, un retard important par rapport à l'échéance du 15 mars 1991 qu'il s'était lui-même fixé, date à laquelle près de 80 protocoles devaient avoir été signés. Nous ne pouvons que recommander à nouveau au Conseil d'en accélérer le processus, qui constitue à nos yeux une méthode efficace d'accroître l'imputabilité ministérielle en matière de langues officielles.[2] La mise en place de directives spécifiques, mais s'appliquant à l'ensemble des institutions fédérales, dont nous avons parlé précédemment, devrait simplifier ce processus.

Par ailleurs, notre analyse des protocoles déjà conclus démontre que ceux-ci s'améliorent progressivement. En particulier, la partie où les ministères traitent de leur situation actuelle offre, en général, un portrait assez réaliste. Sur le plan du choix des objectifs à atteindre, des différences plus sensibles se font toutefois sentir ; plusieurs institutions se sont ainsi fixé des objectifs réalistes et précis susceptibles de faire avancer la mise en application de la Loi, notamment des objectifs sur le service au public qui devraient avoir un effet positif sur la mise en œuvre des obligations prescrites par la Loi. Par ailleurs, d'autres ministères, avec l'indulgence du Conseil, hésitent encore à se fixer des objectifs clairs, susceptibles de combler certaines lacunes. Enfin, pour d'autres, les objectifs ne sont assortis d'aucun échéancier. Selon nous, la faiblesse des mesures de contrôle prévues dans les protocoles d'entente demeure le principal problème. Trop souvent encore, les contrôles planifiés portent sur les mécanismes du programme (par exemple, le nombre de postes bilingues) plutôt que sur les résultats à atteindre. Une attention particulière à la qualité des indicateurs de rendement améliorerait de façon substantielle la teneur des protocoles, ainsi que nous le recommandions l'an dernier.

Protocoles d'entente — sociétés d'État

Au cours de 1989, le SCT a adapté aux sociétés d'État le régime des protocoles d'entente applicable aux ministères. La mise en œuvre de ce régime sera échelonnée sur quatre ans à compter de 1989. Il faudra donc attendre jusqu'en mars 1993, dans les meilleures conditions, pour voir s'établir l'imputabilité de la gestion du programme des langues officielles dans chacune des sociétés d'État. Il importe, selon nous, de mettre le mécanisme en place et de le faire fonctionner, d'autant plus qu'à notre connaissance la dernière directive collective relative aux langues officielles remonte au début des années 1980.

Nous trouvons inquiétant le silence du Conseil du Trésor à ce sujet dans son rapport annuel. D'autant plus que les sociétés d'État, bien qu'assujetties à la *Loi sur*

---

[2] Les protocoles d'entente en matière de langues officielles sont abordés dans le premier rapport de situation sur l'APRM (Accroissement des pouvoirs et responsabilités ministériels), paru en décembre 1989.

les langues officielles, ne sont souvent pas dotées, à l'instar des ministères et des organismes, des infrastructures administratives et réglementaires pour les guider dans la concrétisation de leurs efforts et de leurs bonnes intentions.

Dans les circonstances, nous réitérons notre recommandation de l'an dernier en invitant le Secrétariat du Conseil du Trésor à accorder une attention particulière aux sociétés d'État et à instaurer, pour tous les organismes, des moyens de contrôle. De plus, nos études et vérifications tiendront compte, cette année, des engagements des institutions inscrits dans les protocoles d'entente. Nous n'hésiterons pas, lorsque cela s'avérera nécessaire, à en souligner les faiblesses et à recommander des modifications ou des ajouts importants.

Exigences linguistiques des postes

De nos jours, on imagine mal les postes de la fonction publique canadienne sans leurs diverses exigences linguistiques. Et pourtant, le système que nous connaissons aujourd'hui ne remonte qu'à 1973. Au moment de la promulgation de la première *Loi sur les langues officielles*, en 1969, seulement 9 p. 100 des postes, environ, « exigeaient » la connaissance des deux langues, mais en réalité moins de 15 p. 100 des titulaires de ces postes étaient effectivement bilingues.

À la suite de la Résolution parlementaire de juin 1973, le gouvernement procéda à l'identification et à la désignation linguistiques de tous les postes de la fonction publique. On peut constater au tableau I.2 l'évolution constante des quatre catégories de postes : augmentation progressive de la proportion de postes bilingues par rapport aux postes unilingues et diminution — en pourcentage et en nombre absolu — des postes « français essentiel » et « réversibles ».

Tableau I.2
Exigences linguistiques des postes, 1974 à 1989

Postes	1974	1978	1982	1986	1989
Bilingues	38 164 (20,9%)	52 300 (24,7%)	58 360 (26,2%)	64 042 (28,6%)	61 741 (29,4%)
Anglais essentiel	110 117 (60,2%)	128 196 (60,5%)	133 850 (60,2%)	131 563 (58,8%)	123 117 (58,5%)
Français essentiel	18 533 (10,1%)	17 260 (8,1%)	16 599 (7,4%)	15 636 (7,0%)	14 021 (6,7%)
Réversibles	15 975 (8,7%)	14 129 (6,7%)	13 706 (6,2%)	12 386 (5,5%)	11 415 (5,4%)
Total	**182 789**	**211 885**	**222 515**	**223 627**	**210 294**

Source : Système d'information sur les langues officielles.

On peut se demander, à la lumière de la Résolution de 1973 en particulier, si la proportion de postes « français essentiel » n'est pas tombée en-dessous d'un seuil acceptable et, en d'autres termes, s'il n'y a pas à certains endroits un nombre

exagéré de postes bilingues. En effet, dans les régions bilingues du Québec, la proportion de postes « français essentiel » est seulement de 31,1 p. 100 et même dans les régions unilingues de la province, elle atteint à peine 60,4 p. 100. N'y aurait-il pas davantage de postes « français essentiel » si l'on pensait à l'organisation du service en termes linguistiques, si les communications vers le Québec en provenance de la région de la capitale nationale étaient effectuées en français, si un plus grand nombre d'instruments de travail étaient disponibles dans cette langue et enfin, si la prime au bilinguisme n'était attribuée qu'aux véritables ayants droit ? Voilà autant d'éléments qui assureraient, à notre avis, une meilleure application de la *Loi sur les langues officielles*.

Plus fort que la croissance des postes bilingues, et plus significatif de la capacité de la fonction publique de servir le public dans les deux langues, est l'accroissement des effectifs bilingues, en termes relatifs et absolus.

Tableau I.3

Nombre et pourcentage de titulaires bilingues, 1974 à 1989

	1974	1978	1982	1986	1989
Titulaires bilingues	**18 154**	**36 446**	**47 873**	**56 179**	**52 012**
Titulaires bilingues par rapport aux postes bilingues	47,6%	69,7%	82,0%	87,7%	84,2%
Postes bilingues	**38 164**	**52 300**	**58 360**	**64 042**	**61 741**
Titulaires bilingues par rapport au total des postes	9,9%	17,2%	21,5%	25,1%	24,7%
Total des postes	**182 789**	**211 885**	**222 515**	**223 627**	**210 294**

Source : Système d'information sur les langues officielles.

Comme le montre le tableau I.3, la proportion de fonctionnaires bilingues est passée en 12 ans de un sur dix à un sur quatre. Par ailleurs, le nombre de fonctionnaires qui répondent aux exigences linguistiques de leur poste est passé de un sur deux à neuf sur dix. Malheureusement, cette dernière proportion a plafonné au cours des récentes années et on assiste même à un léger recul. On peut se demander si cette stabilisation est le résultat de la décroissance de la fonction publique, de la modification des méthodes de relevé ou de l'exercice de confirmation de la prime.

Même si ces trois facteurs ont chacun eu une certaine influence sur ce « tassement », on peut se demander s'il est encore acceptable en 1989 de trouver près de 10 000 titulaires de postes bilingues (soit un sur six) qui ne soient pas linguistiquement qualifiés. Certes, 28 p. 100 d'entre eux ont vu leur poste désigné bilingue ou les exigences linguistiques de leur poste rehaussées, et 8 p. 100

doivent suivre une formation linguistique à la suite d'une nomination conditionnelle, mais les 64 p. 100 restants ne satisfont simplement pas ou plus aux exigences linguistiques de leur poste. Réévaluer les titulaires et retirer la prime aux unilingues constituent des mesures de redressement qui s'imposent, mais elles représentent une bien maigre consolation pour les Canadiens qui ne peuvent se faire servir dans la langue officielle de leur choix.

Qu'en est-il du niveau des compétences linguistiques des fonctionnaires ? À mesure que le nombre de bilingues s'accroît, leur compétence en langue seconde va également en s'améliorant, ainsi qu'en témoigne le tableau I.4. Ce n'est toutefois qu'à partir de 1987 que l'on a pu prendre la pleine mesure de cette amélioration. En effet, auparavant, on savait simplement si l'employé répondait aux exigences linguistiques de son poste.

Tableau I.4

Nombre et pourcentage de titulaires bilingues, selon le niveau de compétence, 1978 à 1989

Niveau	1978	1982	1986	1987	1988	1989
Élémentaire (A)	9 334 (25,6%)	9 051 (18,9%)	5 737 (10,2%)	4 647 (7,4%)	4 935 (8,2%)	5 155 (8,3%)
Intermédiaire (B)	22 034 (60,5%)	33 045 (69,0%)	43 182 (76,9%)	25 272 (40,3%)	19 870 (33,0%)	18 572 (30,1%)
Avancé (C)	2 175 (6,0%)	3 825 (8,0%)	5 214 (9,3%)	7 932 (12,7%)	8 083 (13,4%)	8 469 (13,7%)
Exemption (E)	—	—	—	17 440 (27,8%)	20 611 (34,3%)	23 252 (37,7%)
Autres	2 903 (7,9%)	1 942 (4,1%)	2 046 (3,6%)	7 379 (11,8%)	6 652 (11,1%)	6 293 (10,2%)
Total	**36 446**	**47 873**	**56 179**	**62 670**	**60 151**	**61 741**

Source : Système d'information sur les langues officielles.

Avec les nouveaux examens en usage depuis octobre 1984, il est possible de connaître le niveau réel de compétence linguistique des fonctionnaires. Cette année, on constate que plus de la moitié d'entre eux possèdent le niveau avancé ou l'exemption, un gain de 10 p. 100 en deux ans. Nous nous en réjouissons.

Naturellement, cette amélioration s'est accompagnée d'un rehaussement progressif du niveau linguistique des postes, comme on le voit au tableau I.5. Nous sommes heureux de constater que la proportion des postes de niveau élémentaire continue de décroître, conformément à l'esprit de notre recommandation. En effet, il y a vraiment lieu de s'interroger avant d'attribuer ce niveau à un poste. S'il peut convenir dans certains cas pour la lecture de textes simples, voire pour certaines tâches élémentaires de rédaction, rares sont les fonctions qui pourraient s'en satisfaire pour l'interaction orale.

Tableau I.5

Niveau de compétence des postes bilingues, 1974 à 1989

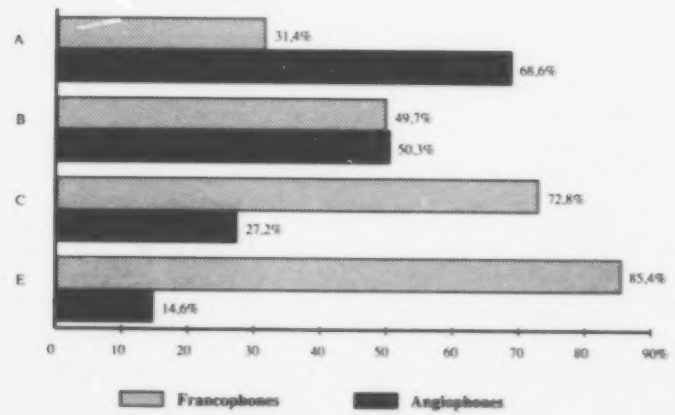
Niveau exigé	1974	1978	1982	1986	1989
Élémentaire (A)	13 816 (26,4%)	10 911 (18,7%)	6 464 (10,1%)	4 601 (7,6%)	4 040 (6,5%)
Intermédiaire (B)	30 983 (59,3%)	40 895 (70,1%)	49 758 (77,7%)	46 374 (72,1%)	47 409 (76,8%)
Avancé (C)	3 730 (7,2%)	4 324 (7,4%)	5 633 (8,8%)	6 823 (11,4%)	7 898 (12,8%)
Autres	3 370 (7,1%)	2 230 (3,8%)	2 187 (3,3%)	2 346 (3,9%)	2 392 (3,9%)
Total	**52 300**	**38 360**	**64 042**	**60 151**	**61 741**

Source : Système d'information sur les langues officielles.

Comme l'illustre le tableau I.6, la répartition des deux groupes linguistiques suit la progression des niveaux de compétence. Les écarts ont assez peu varié au cours des trois dernières années, mais c'était toujours dans le sens d'une différence plus marquée en faveur des francophones. Or, si l'on veut atteindre une plus grande équité linguistique au sein de la fonction publique, il faudra de toute évidence que ces écarts s'amenuisent, par exemple par une poursuite vigoureuse de la formation linguistique.

Tableau I.6

Compétence linguistique des titulaires de postes bilingues selon le niveau et le groupe linguistique, 1989



Source : Système d'information sur les langues officielles.

Somme toute, et à condition de tenir compte des réserves que nous avons émises précédemment, il y a lieu de se déclarer satisfait de l'évolution de cette situation.

Dotation impérative

Tous les postes bilingues à période déterminée (aussi appelés « à terme » ou « temporaires ») sont dotés de façon impérative, puisqu'il serait impensable d'envisager une formation linguistique pour une courte période d'emploi. Quant aux nominations à des postes bilingues à durée indéterminée (appelés quelquefois « permanents »), elles se font de plus en plus souvent de façon impérative : 44 p. 100 en 1986, 48 p. 100 en 1987, 53 p. 100 en 1988, 56 p. 100 pour les neuf premiers mois de 1989. Certains considèrent cette augmentation comme un juste retour à la normale, tandis que d'autres la voient comme une restriction indue. Comme cela est souvent le cas dans de tels débats, ni les uns ni les autres n'ont tort. Que la fonction publique possède 29 p. 100 de postes bilingues (déterminés et indéterminés) et qu'elle exige le bilinguisme à la nomination dans 19 p. 100 de tous les cas de recrutement, quelle que soit la catégorie linguistique du poste, voilà qui ne saurait constituer des exigences indues en regard de ses obligations. Car finalement, tout est une question d'équilibre et, encore une fois, de respect de l'article 91 lorsqu'il s'agit de porter un jugement sur les exigences relatives aux langues officielles au moment de la dotation.

Formation professionnelle (CFP)

Un autre aspect de la Loi prévoit que les régions désignées bilingues doivent constituer des milieux de travail propices à l'utilisation de l'une ou l'autre langue officielle par le personnel. Bien qu'aucun règlement ne soit encore venu le préciser, il paraît évident qu'un des facteurs qui contribuent à la création de tels milieux est une formation professionnelle équitablement offerte dans les deux langues officielles. Or, si les francophones reçoivent cette formation professionnelle dans une proportion qui est en fait plus importante que leur présence dans la fonction publique (33,3 p. 100 par rapport à 28,3 p. 100), dans un peu plus de la moitié des cas, c'est en anglais qu'ils suivent leurs cours — et cette proportion va en s'accroissant. Il faut en effet faire preuve de ténacité pour suivre un cours en français : ceux qui sont proposés sont annulés six fois sur dix — alors que les cours en anglais ne le sont que deux fois sur dix. Il importe de déterminer les causes d'un tel écart — surtout s'il va grandissant — afin d'y remédier. Les remèdes à ce fort taux d'annulation varieront en effet grandement selon les causes observées, dont entre autres la langue de travail des participants, la fréquence, la fiabilité et la réputation des cours, les efforts de commercialisation insuffisants. Nous n'avons malheureusement aucune raison de croire que la formation dispensée par les organismes eux-mêmes (soit environ 95 p. 100 de toute la formation) est plus équitable, linguistiquement parlant, que celle de la Commission de la fonction publique (CPF). Des efforts ont déjà été déployés, mais nous recommandons à la Commission de la fonction publique d'examiner l'ensemble de la situation et de prendre les mesures de redressement nécessaires.

Formation linguistique (CFP)

Bien que le Conseil du Trésor indique dans son rapport annuel une augmentation du volume global de formation linguistique mis à la disposition des ministères et organismes en 1988-1989 par rapport à l'année précédente, la Commission de la

fonction publique, quant à elle, n'a toujours pas été en mesure de satisfaire à la demande en 1989.

En effet, la Commission se retrouve, cette année, avec une liste d'attente de près de 600 candidats à la formation (intensive et continue) dans la région de la capitale nationale (RCN). La situation, d'abord perçue comme temporaire l'an dernier, a non seulement perduré mais s'est détériorée cette année. Pour faire face à ce volume important de demande de cours intensifs, la Commission s'est vue dans l'obligation de réaffecter ses enseignants vers la clientèle prioritaire, annulant du même coup des ententes ministérielles de perfectionnement et les cours spécialisés. De plus, elle comptait 33 groupes en cours du soir dans la RCN en 1988; ce chiffre est passé à 8 en 1989.

Cette situation est d'autant plus compromettante qu'elle survient au moment où les ministères doivent assumer des responsabilités accrues sans avoir eu l'occasion d'en prévoir les conséquences financières. En effet, peu de ministères ont affecté les ressources nécessaires pour faire face à de nouvelles obligations dès 1989, attendant plutôt de recevoir leur part du budget de six millions prévu par la nouvelle politique pour débourser les frais de cette formation. Or, cet élément de la politique n'entrera en vigueur qu'en avril 1990. Encore plus que l'an dernier, nous devons nous demander si le Conseil du Trésor n'a pas réduit trop rapidement les ressources consacrées à la formation linguistique, particulièrement celles attribuées à la Commission.

Les cours destinés à rehausser le niveau de compétence linguistique d'intermédiaire à avancé pour les cadres supérieurs se sont poursuivis. Cependant, au rythme où les ministères utilisent ces cours (80 places sur 200), il faudra bien plus que les huit prochaines années pour atteindre les objectifs. Ce manque d'empressement traduirait-il un manque d'engagement de la part des ministères? Le suivi systématique des protocoles d'entente saura nous apporter la réponse à cette question. Le niveau de bilinguisme insuffisant de cet important maillon de la chaîne constitue un obstacle de taille à l'instauration d'un régime équitable en matière de langue de travail.

D'autre part, les 25 années-personnes prévues pour mener à bien les stratégies de suivi à la formation linguistique ont été intégrées aux effectifs des ministères au cours de l'année.

Nous venons de conclure la première partie de l'étude du programme de formation linguistique de la Commission de la fonction publique. Le rapport est assorti de recommandations visant à aider la Commission à assumer un « leadership » plus vigoureux dans ce domaine, notamment au niveau des nouvelles technologies et de la nécessité de s'ouvrir vers l'extérieur en relançant le dialogue avec les universités, les collèges et le secteur privé. Le rapport souligne aussi la nécessité de poursuivre notre étude dans certains secteurs clés dont, entre autres,

le maintien de l'acquis après la formation et l'importance de conserver un accès généreux à la formation linguistique.

L'année 1989 a également été marquée par le 25e anniversaire du Programme de formation linguistique, quart de siècle que l'on se doit de souligner. En effet, quoi de plus normal que de rendre hommage aux centaines d'enseignants et aux milliers d'étudiants qui ont permis à l'État de s'acquitter de ses responsabilités dans ce domaine. Chaque fois que l'on passe un cap important, on est amené à dresser un bilan. Ainsi, si l'on considère le nombre de fonctionnaires formés entre 1974 et 1988 (voir tableau I.7), on se rend compte que 81,7 p. 100 d'entre eux ont atteint le niveau visé. Ainsi, le programme a permis de rendre bilingues plus de 31 000 Canadiens ; les 14 000 employés qui ont quitté la fonction publique ont sans doute une certaine utilisation de leur langue seconde ; il en est ainsi des 9 000 fonctionnaires bilingues qui occupent un poste unilingue, et de plus, ces derniers se trouveront tôt ou tard dans un poste bilingue. Quant à ceux qui ont échoué, ils auront été pour le moins sensibilisés à leur langue seconde et à l'autre groupe linguistique. À combien de Canadiens unilingues la formation linguistique n'a-t-elle pas ouvert les portes de la fonction publique ? À côté des répercussions directes sur l'administration fédérale, il y a aussi les effets indirects : combien de fonctionnaires ont suivi des cours de langues à leurs propres frais ? Combien d'étudiants ont inscrit leurs enfants dans des programmes d'immersion ? Sans compter les répercussions, à l'échelle nationale et internationale, qu'ont eu les travaux pédagogiques effectués à la Commission de la fonction publique ? Autant de raisons qui nous portent à croire que ce programme, pourtant souvent critiqué, s'est avéré indispensable.

On ne saurait par ailleurs passer sous silence le fait qu'à l'heure actuelle, 28 p. 100 seulement des anciens étudiants possèdent le niveau de bilinguisme

Tableau I.7

Situation des fonctionnaires qui ont reçu une formation en langue seconde aux frais de l'État, 1974 à 1988

Fonctionnaires	Nombre	Pourcentage du total
Formés	38 232	
Ayant réussi	31 247	81,7%
Ayant quitté la fonction publique	14 103	36,9%
Encore à la fonction publique	24 129	63,1%
Dans des postes unilingues	9 169	24,0%
Dans des postes bilingues	14 960	39,1%
Bilingues dans des postes bilingues[1]	10 722	28,0%

[1] Répondant aux exigences linguistiques de leur poste.

Source : Module d'information sur la formation linguistique.

requis. Si le fait que 61 p. 100 des étudiants formés ont quitté la fonction publique ou occupent actuellement un poste unilingue ne saurait constituer un critère valable d'évaluation du programme de formation linguistique, il n'en demeure pas moins que le rendement global de 28 p. 100 de « bilingues utiles » suscite des interrogations. On pourrait aussi se demander quel serait le rendement de la formation professionnelle, si toutefois on pouvait le mesurer.

Certaines composantes de la nouvelle politique sur la formation linguistique, publiée en 1988, sont entrées en vigueur en 1989. Ainsi, depuis le 1er avril, les employés ont officiellement le devoir d'utiliser et de perfectionner les connaissances qu'ils ont acquises aux frais de l'État. Les organismes fédéraux, quant à eux, sont tenus d'assurer des conditions de travail propices à la mise en valeur de ces compétences.

Cette double obligation, que nous avions saluée l'an dernier, a ainsi le grand mérite d'allier le respect de la Loi et le bon sens. Le contribuable est en effet en droit de s'attendre à ce que ses fonctionnaires mettent à profit une formation financée par des fonds publics.

Au 1er septembre 1989, on a mis en vigueur les nouvelles durées de formation (1 000 heures pour atteindre le niveau élémentaire, 1 300 pour le niveau intermédiaire et 1 860 pour le niveau avancé), ainsi que les modalités de formation pour les besoins statutaires et les besoins de planification des ressources. Toutefois, c'est l'échéance du 1er avril 1990 qui aura les conséquences les plus marquantes. En effet, à cette date, les organismes devront assumer certains coûts de formation linguistique, que ce soit auprès de l'entreprise privée ou de la Commission de la fonction publique. Cette dernière facturera ainsi aux organismes toute formation non reliée aux besoins statutaires ou généraux, et son fonctionnement s'en trouvera profondément affecté. Elle s'y prépare d'ailleurs activement.

Le deuxième quart de siècle du programme de formation linguistique s'ouvre donc sous le signe du financement décentralisé et de la concurrence. Il est cependant essentiel à nos yeux de ne pas limiter la vision de la formation linguistique à la recherche du plus bas coût pour une heure de cours; il importe de considérer l'ensemble du processus et de tenir compte des aspects qualitatifs, comme nous l'avons déjà souligné.

Évaluation linguistique

L'évaluation de la langue seconde (ELS) constitue l'élément institutionnel de mesure du bilinguisme dans la fonction publique. Or, nous avions constaté de 1987 à 1988 une certaine diminution du taux de réussite à l'évaluation (de 82 p. 100 à 76 p. 100). Cette diminution s'est, semble-t-il, poursuivie au cours de l'année, ce qui a amené la Commission à procéder à une étude des facteurs susceptibles d'avoir influencé les taux de réussite.

Les résultats préliminaires de l'étude portent à croire que cette diminution serait attribuable à une combinaison de facteurs plutôt qu'à une modification de la

norme du test. La Commission a pris des mesures pour redresser la situation par des contrôles internes et en mettant sur pied une nouvelle formation pour les évaluateurs. Nous entendons profiter de la deuxième phase de notre étude sur le programme de formation linguistique pour suivre cette question de plus près.

Bilinguisme réceptif

À la suite de notre recommandation de l'an dernier, nous avons entrepris, en collaboration avec la Commission de la fonction publique, notamment sa direction de l'élaboration des cours, de dégager certains aspects de ce concept.

Il est essentiel de rappeler tout d'abord que la notion de bilinguisme réceptif se rattache à certains aspects de la langue de travail et ne saurait aucunement s'appliquer aux notions de service au public ou de surveillance. Elle apporte une réponse partielle à la question : comment faire pour que, dans un milieu de travail donné d'une région bilingue définie, les représentants des deux communautés linguistiques puissent exercer simultanément le droit garanti par la Loi de travailler dans la langue officielle de leur choix ? Une solution possible à ce défi est que chacun ait de sa langue seconde une connaissance suffisante pour comprendre son interlocuteur ou lire un document.

Il va sans dire qu'il faut être conscient des limites naturelles d'une telle compétence : elle ne se prête évidemment pas à tous les échanges verbaux, ne doit aucunement s'intégrer à un système rigide de type « poste bilingue réceptif » ou « prime au bilinguisme réceptif » et fait appel tout autant au leadership de la gestion qu'à la bonne volonté des employés… Sans constituer une panacée, le bilinguisme réceptif doit être compté parmi les moyens permettant de créer des milieux de travail propices à l'usage effectif des deux langues officielles.

Au cours de l'année qui vient, nous effectuerons une étude avec la participation de représentants des milieux universitaire et administratif, dans le but de proposer une approche concertée visant le bilinguisme réceptif dans la fonction publique fédérale.

Prime au bilinguisme

La deuxième phase du processus de confirmation de la prime s'est achevée au 31 mars 1989 et la fin de la troisième phase, le 31 mars 1990, marquera la clôture de cette salutaire mise à jour. Entre le 1er janvier et le 31 décembre 1989, 11 274 fonctionnaires ont été évalués ; 10 148 ont satisfait aux exigences linguistiques de leur poste, soit 90 p. 100, et 1 126 ont échoué au niveau visé. Les fonctionnaires qui n'atteignent pas le niveau visé peuvent encore bénéficier d'un cours de rattrapage de 200 ou 400 heures avant de subir à nouveau l'examen. Depuis le début, ces cours ont accueilli 664 participants (dont 6 seulement pour 400 heures), mais le taux de réussite au test demeure faible à la suite de ces révisions de la dernière chance.

L'attribution d'une prime au bilinguisme constituait peut-être à l'origine une mesure positive, mais avec le temps, elle s'est avérée davantage un obstacle à

une désignation linguistique juste des postes. Par ailleurs, elle est une source d'inéquités au sein de la fonction publique, plutôt qu'une compensation réelle pour les difficultés supplémentaires qu'entraîne le travail dans les deux langues. Seule la mise au point d'un système de rémunération qui tienne véritablement compte de ces difficultés permettrait au gouvernement — en consultation avec les syndicats — de supprimer graduellement la prime dans sa forme actuelle. Cela pourrait se faire soit en l'éliminant au départ des titulaires des postes bilingues, dans les catégories où elle n'est pas justifiée, soit en procédant, pour les mêmes catégories à une diminution progressive du montant versé, de façon à entraîner sa suppression sur quatre ou cinq ans.

Assisterions-nous alors à une redistribution des fonctions de service entre postes « français essentiel » et postes « anglais essentiel », comme l'a déjà préconisé le Conseil du Trésor ? Ceci constituerait une autre manière de respecter l'esprit de l'article 91 de la *Loi sur les langues officielles*. Quoi qu'il en soit, il importe de réévaluer le système de la prime au bilinguisme, comme nous en réitérions la recommandation dans le *Rapport annuel 1988*.

Traduction (Secrétariat d'État)

À cet égard, le Conseil du Trésor mérite des félicitations. En effet, en prévision d'une demande sans cesse croissante, mais limitée depuis quelques années par le système des enveloppes, les budgets destinés à la traduction ont été sensiblement augmentés en 1989. Ainsi, l'enveloppe globale de traduction en langues officielles mise à la disposition des ministères a augmenté de 10 p. 100, passant de 213 millions de mots en 1988 à 235 millions de mots en 1989. Le Conseil du Trésor aura sans doute trouvé plus sage d'augmenter les budgets en fonction d'une demande accrue pour permettre aux ministères de faire face aux nouvelles obligations découlant de la Loi. Cette augmentation s'est traduite par un recours accru au secteur privé pour la traduction, qui est passé de 30 p. 100 en 1988-1989 à une prévision d'utilisation de 35 p. 100 en 1989-1990. La décision récente du gouvernement d'augmenter le recours au secteur privé jusqu'à une proportion de 50 p. 100 d'ici 1993-1994 exercera sans doute beaucoup de pression sur le Secrétariat d'État puisqu'une étude démontre que la demande de service de traduction est tellement forte qu'on craint, à court terme, une pénurie de traducteurs qualifiés.

Dans le domaine de l'interprétation, on a noté en 1989 une nette amélioration de la disponibilité du service aux ministères. Ainsi, le taux de refus de services d'interprétation, qui s'élevait à 14 p. 100 en 1988, a été ramené à 2 p. 100 en 1989. Le recours au secteur privé dans ce domaine d'activité est demeuré sensiblement le même au cours des dernières années, soit environ 50 p. 100.

Le Secrétariat d'État continue par ailleurs à s'intéresser à la traduction assistée par ordinateur en participant à des projets conjoints avec un certain nombre de ministères. Ces projets ne sont sans doute pas de nature à engendrer des percées à court terme, mais ils permettent au Secrétariat d'État de se tenir au courant des

développements les plus récents et d'exercer son rôle de chef de file dans ce secteur.

Les études menées sur l'évaluation des services en langues officielles (Price Waterhouse) et sur l'élargissement du bassin des pigistes (Charpentier) ont incité le Secrétariat d'État à adopter un plan d'action qu'il a d'ailleurs commencé à mettre en œuvre. Ainsi, en 1989, nous avons assisté à la déréglementation des tarifs des services d'interprétation visant à permettre au Secrétariat d'État d'avoir un meilleur accès au bassin des pigistes.

Au chapitre de la prestation des services de traduction, le Secrétariat d'État examine la possibilité de servir les ministères et organismes en leur facturant ses services. Les ministères clients deviendraient alors plus conscients des coûts liés au service demandé, ce qui pourrait contribuer à les rendre imputables de leur gestion de la traduction. Cette démarche cadrerait avec le Régime d'accroissement des pouvoirs et responsabilités ministériels, qui vise des objectifs similaires. La mise en place de ce système remplacerait avantageusement le mécanisme des enveloppes de mots pour attribuer les ressources de traduction. Ce mécanisme est devenu désuet, en plus d'utiliser des ressources précieuses qui pourraient être consacrées à combler des besoins autrement plus pressants.

4. Politiques et programmes : un engin à deux vitesses

b. L'appui aux minorités, la promotion des langues officielles et la recherche

La *Loi sur les langues officielles* de 1988 confie au Secrétaire d'État du Canada, en vertu de sa partie VII, un double mandat : d'une part, il doit « favoriser l'épanouissement des minorités francophones et anglophones du Canada et (à) appuyer leur développement », d'autre part la Loi lui confie le soin de « promouvoir la pleine reconnaissance et l'usage du français et de l'anglais dans la société canadienne ». Le rôle du Secrétaire d'État, qui était déjà fort important pour la défense, l'illustration et la promotion des langues officielles et des minorités qui les parlent, en sort renforcé. Une analyse de la manière dont le Secrétariat d'État nous semble s'être acquitté de ses responsabilités accrues coiffe donc les parties du rapport que nous consacrons aux minorités et à l'éducation.

Le rôle du Secrétariat d'État

Les articles de la partie VII de la Loi balisent clairement l'action du Secrétariat d'État. Nous avions, dans notre *Rapport annuel 1988*, traduit nous-même en recommandations d'actions concrètes certaines des principales obligations que la Loi impose au Secrétariat d'État. En particulier, nous avions demandé la mise au point d'un programme de communications permanent et suggéré des études appropriées qui permettraient au gouvernement de s'assurer que ses politiques et ses pratiques contribuent pleinement à la concrétisation des objectifs de la Loi. Nous avions en outre recommandé au Secrétariat d'État de poursuivre la négociation des ententes-cadres fédérales-provinciales, de continuer à promouvoir l'instruction dans la langue de la minorité et d'établir un plan d'action pour assurer la mise en œuvre par d'autres institutions fédérales de leurs interventions en faveur des minorités. Nous lui avions enfin recommandé d'encourager les programmes d'enseignement de la langue seconde et d'œuvrer à affermir, selon les termes de la Loi, le caractère bilingue de la région de la capitale nationale.

Comment le Secrétariat d'État s'est-il acquitté de l'ample mission que lui a confiée le législateur ? La tâche n'est pas facile, ses ramifications sont multiples et les domaines d'intervention sont divers. Certains rôles ont aussi un aspect politique qui se distingue de la mise sur pied et de l'administration de programmes. Cette variété explique d'ailleurs une première réaction : dans plusieurs secteurs d'intervention, les réalisations sont impressionnantes. Dans certains autres, la

tâche vient à peine de commencer. Cette section ne peut rendre compte de toutes les actions menées par le Secrétariat d'État, comme celui-ci s'en acquitte dorénavant lui-même, et tel n'est pas son but. Elle aborde les grands axes et tente d'en dégager quelques conclusions pour l'avenir. On trouvera aux parties sur les minorités et l'éducation des références à bon nombre d'interventions ponctuelles qui méritent de retenir l'attention.

Rapport annuel

L'article 44 de la Loi stipule que le Secrétaire d'État devra déposer chaque année un « rapport annuel au Parlement sur les questions relevant de sa mission en matière de langues officielles ». Le premier rapport, déposé en décembre 1989, a brossé une vaste perspective des programmes et des réalisations du Secrétariat d'État en matière de langues officielles au cours des dernières années, avant d'égrener les réalisations de l'exercice financier 1988-1989. Le rapport inscrit clairement la dualité linguistique dans une perspective d'identité nationale. Il reconnaît explicitement qu'il y a beaucoup à faire, sur le plan des communications, pour expliquer cette dualité et favoriser une plus grande harmonie entre les communautés linguistiques. Le rapport, dont l'année ne coïncide que partiellement avec la nôtre, est un texte documentaire de haute qualité qui fait essentiellement le point, comme il se doit, sur les activités et réalisations du Ministère.

Minorités

Ententes fédérales-provinciales/ territoriales

Un des principaux outils du Secrétariat d'État, particulièrement pour favoriser l'épanouissement des minorités francophones et anglophones et pour appuyer leur développement, est la conclusion d'ententes-cadres et d'accords de coopération avec les provinces et les territoires. À cet égard, la moisson de 1989 est moins abondante que celle de 1988, mais elle est néanmoins bonne. En 1989, le Secrétariat d'État a conclu cinq ententes, ainsi que cinq accords de portée plus limitée, dont on trouvera le détail au chapitre 1 de la Partie IV. Le financement d'un grand nombre de projets qui découlent de ces ententes a été facilité grâce à la création, en juin 1988, d'un fonds spécial de développement. Nous commençons à voir les fruits de cet effort renouvelé de coopération fédérale-provinciale, destiné à fournir des services aux communautés minoritaires dans des domaines autres que l'éducation, particulièrement pour ce qui est de l'animation et du développement des ressources humaines. Le champ n'est cependant pas entièrement labouré et nous attendons que d'autres gouvernements provinciaux se joignent à ce qui a été jusqu'ici une entreprise entièrement valable.

Enseignement

Les parties du rapport sur les minorités et sur l'éducation tenteront de cerner de plus près l'action du Secrétariat d'État dans ce domaine. Qu'il suffise de souligner certains des éléments les plus saillants.

Protocole d'ententes

Le *Protocole d'ententes entre le gouvernement du Canada et les gouvernements provinciaux relatives à l'enseignement dans la langue de la minorité et à*

l'enseignement de la langue seconde avait été signé en novembre 1988. Il a été suivi par la conclusion d'ententes ponctuelles avec toutes les provinces et les deux territoires, qui adaptent aux réalités régionales ou locales les grandes perspectives de ce protocole quinquennal. Notons que dans ce dernier document, les gouvernements provinciaux, de concert avec le fédéral, avaient convenu de certaines « priorités stratégiques ». Ces priorités portent sur une meilleure prestation de services d'enseignement dans la langue de la minorité, un accroissement des services d'enseignement en français au niveau postsecondaire, l'élargissement des programmes de formation des maîtres, le développement et l'amélioration des programmes réguliers de langue seconde et, enfin, sur l'expansion des programmes d'immersion en français. Jumelées aux garanties constitutionnelles de la Charte en matière de droits scolaires, explicitées par les jugements rendus par divers tribunaux et l'extension progressive des droits acquis, ces priorités, sur lesquelles se sont entendus pour la première fois tous les gouvernements du pays, esquissent l'ébauche d'un programme-cadre national dans certains domaines relatifs à l'instruction dans les langues officielles. Nous nous en réjouissons, même si le chemin entre les intentions et la réalité reste trop souvent long et tortueux.

Coordination interministérielle

L'une des composantes du mandat confié au Secrétaire d'État par la Loi de 1988 est celle de « suscite(r) et (d')encourage(r) la coordination de la mise en œuvre par les institutions fédérales » de l'engagement « à favoriser l'épanouissement des minorités francophones et anglophones du Canada et à appuyer leur développement, ainsi qu'à promouvoir la pleine reconnaissance et l'usage du français et de l'anglais dans la société canadienne » (articles 41 et 42). Le Secrétariat aux langues officielles, établi par le ministre pour donner le rythme, s'est attaqué à cette tâche avec vigueur. Les temps forts de son activité sont examinés dans la partie sur les minorités. Nous y avons également fait des recommandations proposant au Secrétariat d'État un certain nombre d'approches, d'instruments et de mécanismes pour mieux sensibiliser les institutions fédérales à leurs responsabilités à l'égard des minorités (voir le chapitre 1 de la Partie IV).

Nous croyons également que le Secrétariat d'État, en collaboration avec le Conseil du Trésor, devrait, en plus de ses actions ponctuelles dans ce domaine, élaborer des politiques et directives touchant les responsabilités des différents ministères par rapport à l'épanouissement des minorités et à la promotion des langues officielles. En particulier, ces politiques devraient établir plus clairement la ligne de démarcation entre ce que doit faire le Secrétariat d'État et ce qui relève des ministères.

Par ailleurs, le Secrétariat d'État examine la possibilité de créer un forum où pourraient se réunir le Secrétaire d'État et les ministres provinciaux responsables des questions linguistiques. Certains ministres provinciaux semblent déjà avoir exprimé de l'intérêt pour la création d'un tel mécanisme de consultations et d'échanges. Nous souhaitons que ce projet prenne forme rapidement.

Radio communautaire

Le Programme du Secrétariat d'État de radio communautaire en langue officielle fournit une aide multiforme à un grand nombre de projets locaux, depuis Radio-Océan à Saint-Jean (Terre-Neuve) jusqu'à la radio communautaire de la péninsule du Niagara, en passant par la « Radio communautaire de Rivière Saint-Augustin » qui offre à la communauté anglophone isolée de la Basse Côte Nord, au Québec, 52,5 heures de programmation par semaine, ou encore ce projet de radio scolaire francophone dans sept écoles franco-manitobaines. Cette aide peut prendre la forme d'un appui financier à des études de mise en marché et de faisabilité, à l'aménagement de locaux, à la formation de personnel, etc. Le programme contribue également à un certain nombre de projets d'envergure nationale entrepris par la Fédération des jeunes Canadiens français, qui vont de la conception et de la construction d'unités de radio mobile jusqu'à l'étude du potentiel de mise en place d'un réseau satellite. Nous encourageons la poursuite et l'intensification des activités de ce programme, la radio étant bien souvent l'un des très rares moyens efficaces pour rompre l'isolement de certaines petites communautés minoritaires.

Promotion des langues officielles dans la société

Secteur privé et organismes bénévoles

Le deuxième grand volet de l'action du Secrétariat d'État en matière de langues officielles consiste à « promouvoir la pleine reconnaissance et l'usage du français et de l'anglais dans la société canadienne ». Ce volet n'est pas nouveau, mais il a reçu une consécration et une promotion de par la Loi. L'alinéa 43(1) *f*) de la Loi stipule que le Secrétariat d'État doit prendre toute mesure « pour encourager les entreprises, les organisations patronales et syndicales, les organismes bénévoles et autres à fournir leurs services en français et en anglais et à favoriser la reconnaissance et l'usage de ces deux langues ». De nombreux projets, soumis notamment par des associations bénévoles, reçoivent une aide ponctuelle. On examine la possibilité de déléguer pendant de courtes périodes des conseillers auprès de certaines associations pour les aider à planifier leur stratégie en matière de langues officielles, ou encore de créer un comité de sous-secrétaires d'État adjoints au sein du ministère, qui étudierait la question des coûts supplémentaires que pourraient être amenés à assumer certains organismes bénévoles pour la prestation de services dans les deux langues. On envisage aussi d'offrir aux organismes des services qui porteraient notamment sur la formation, la terminologie et les personnes-ressources disponibles dans divers secteurs d'activité tels que la traduction et l'interprétation.

Soixante-quinze organismes bénévoles nationaux ont pu profiter de l'aide du Secrétariat d'État. Des contacts ont eu lieu avec certains gouvernements provinciaux pour une coordination des initiatives à l'égard de ces deux secteurs. La Société canadienne des directeurs d'associations, qui regroupe en son sein des cadres des secteurs privé et bénévole, s'engage à inciter ses membres à tenir compte de la dualité linguistique dans leurs activités. Certains programmes d'échanges entre jeunes Canadiens, parrainés par le Secrétariat d'État pour

familiariser la jeunesse du pays avec la langue et la culture de l'autre groupe linguistique, devraient recevoir une aide accrue. Mentionnons en particulier les échanges parrainés par la Société éducative de visites et d'échanges au Canada (SEVEC), dont les activités sont examinées dans notre partie sur l'éducation, ainsi que le programme « Hospitalité Canada », dont la popularité ne se dément pas.

Il s'agit là de mesures valables, mais encore insuffisantes. Nous estimons qu'un effort de créativité s'impose, particulièrement à l'égard du secteur privé, où les progrès ne sont pas aussi tangibles qu'au sein du secteur bénévole.

Une vision d'avenir et une stratégie d'ensemble permettraient de lier en une démarche signifiante ce qui ne semble être jusqu'à maintenant que des actions convergentes mais isolées. Les recommandations du colloque intitulé *La langue des affaires, une affaire de langues*, tenu à Ottawa en 1988 et que nous avions examiné dans notre dernier rapport, fournissaient déjà des avenues intéressantes pour la formulation d'une telle stratégie. Il faudrait y revenir. La promotion de notre dualité linguistique ne sera jamais un franc succès tant qu'un secteur aussi important de la société canadienne est exclu du jeu.

Région de la capitale nationale

La situation dans la région de la capitale nationale (RCN), à laquelle nous avions consacré un chapitre complet dans notre dernier rapport, nous semblait exiger des mesures de concertation ; nous avions notamment recommandé une entente entre le Secrétariat d'État et la Commission de la capitale nationale (CCN) afin « de mettre au point un mécanisme qui assurerait une plus grande collaboration entre tous les responsables et tous les intéressés afin d'affermir le caractère bilingue de la région de la capitale nationale » ; nous avions aussi demandé au Secrétariat d'État « d'envisager des ententes-cadres avec les provinces de l'Ontario et du Québec afin d'assurer la pleine reconnaissance de la dualité linguistique de même que la reconnaissance et l'usage du français et de l'anglais dans la région de la capitale nationale ». Or, peu de progrès ont été réalisés sur l'un ou l'autre de ces deux fronts. Il y a bien eu quelques rencontres entre responsables du Secrétariat d'État et de la CCN, un groupe de travail bipartite a été créé, mais les résultats ne sont pas probants. Aucun mécanisme n'a été établi et l'on s'est contenté d'évoquer la possibilité d'organiser des ateliers à l'intention du secteur privé de la RCN pour sensibiliser ce dernier au besoin de mieux servir les communautés minoritaires de langue officielle. Il n'y a pas eu non plus de discussions intergouvernementales. Nous notons cependant qu'à la suite de nos recommandations, M. Claude Ryan, ministre québécois de l'Éducation et ministre responsable de l'application de la *Charte de la langue française*, a délégué dans l'Outaouais, vers la fin de l'année, un de ses hauts fonctionnaires. M. Jean-Claude Rondeau avait apparemment pour mission de consulter diverses personnalités de la région afin de déterminer les possibilités d'amélioration des services à la minorité anglophone. L'étude que nous avions commanditée l'an dernier semblait démontrer que les ressources humaines déjà qualifiées existent dans bon nombre de secteurs.

La région de la capitale nationale, nous le répétons, est l'un des lieux les plus visibles de la dualité linguistique canadienne. Nous souhaitons que la rencontre, prévue pour janvier 1990, entre le Secrétaire d'État et la présidente de la CCN puisse relancer le processus permettant de mettre en valeur ce symbole linguistique. Nous incitons fortement le Secrétariat d'État à mener rapidement à terme son intention de conclure avec la CCN un protocole d'entente. La question des langues officielles dans la région pourrait être également discutée au cours du forum qui rassemblerait le ministre fédéral et les ministres provinciaux chargés des questions linguistiques, dont nous parlions plus haut. Rien ne permet de supposer que l'Ontario refuserait son concours à une tentative de concertation.

Communications

Nous avons clairement indiqué dans notre *Rapport annuel 1988* qu'une stratégie de communications vigoureuse et globale s'imposait afin de mieux faire connaître à la population canadienne la dimension vitale des langues officielles dans la définition de son identité, la richesse qu'elles représentent sur le plan social et personnel et les perspectives qu'elles ouvrent dans les domaines du commerce et de la diplomatie. Les efforts récents du Secrétariat d'État dans la poursuite d'une stratégie d'ensemble paraissent s'inscrire dans un effort plus intégré, coordonné à divers niveaux et qui s'attaquerait au problème d'éclairer le public et de ne pas laisser sans réponse la présente campagne de dénigrement de notre dualité linguistique et de notre bilinguisme institutionnel.

Le Secrétariat d'État s'est engagé au second semestre dans la planification et l'exécution d'un certain nombre de projets de communications qui lui sont propres :

- préparation d'une trousse d'information sur les programmes de langues officielles du Secrétariat d'État ;
- production possible de deux bandes vidéo : l'une, de nature générale, portant sur la dualité linguistique, l'autre, plus spécifique, portant sur le mandat de concertation du ministère ;
- préparation d'une publication sur les programmes de langues officielles dans l'enseignement et de dépliants sur les programmes de promotion des langues officielles ;
- possibilité d'une campagne de promotion dans les médias électroniques ;
- financement, dans le cadre du Programme de perfectionnement linguistique, d'initiatives prises par des groupes et des associations ;
- publication imminente d'un répertoire des programmes du gouvernement du Canada pertinents au développement des communautés de langue officielle,

qui permettra aux communautés minoritaires d'avoir une vue plus complète et plus rapide des importantes ressources, financières ou techniques, mises à leur disposition par l'appareil fédéral.

Ces projets seront certes utiles. Seule une planification stratégique à l'échelle du gouvernement, doublée d'interventions nécessaires de la part de la classe politique, des ministres en particulier et des fonctionnaires, permettra, à notre avis, de répondre adéquatement aux principales questions que soulèvent les langues officielles au sein de larges segments de la population, de mieux diffuser l'esprit, et parfois même la lettre de la Loi de 1988 et enfin de démontrer que les langues officielles représentent une richesse que la société dans son ensemble doit protéger et promouvoir. Une telle démarche correspondrait à notre recommandation de l'an dernier dont l'urgence nous semble avoir constamment crû en 1989.

La création d'un Conseil canadien des langues officielles, déjà annoncée par le Secrétaire d'État à quelques reprises, viendrait-elle renforcer cet effort de communications ? Peut-être. Nous craignons cependant que la multiplicité des intervenants dans un dossier où il y en a déjà beaucoup ne finisse par obscurcir ou affaiblir le message. Nous avons déjà indiqué, au chapitre 1, pourquoi nous pensons qu'il serait sage que le Comité mixte permanent des langues officielles soit appelé à se prononcer sur le mandat et les activités de ce conseil.

Quelques jalons sur la recherche courante

L'évolution, sur le front linguistique comme dans tous les autres domaines sociaux, doit reposer sur un plus grand nombre de recherches. Des phénomènes nouveaux émergent, d'autres se modifient ou s'altèrent ; des problèmes auxquels on ne pensait guère s'imposent soudain au législateur et au gouvernement. Comment prévoir ces problèmes, en cerner les divers aspects, en étudier la complexité et entrevoir les solutions qui s'imposent ? La recherche devient alors un outil essentiel. Elle joue également un rôle important pour cerner les zones d'ombre en matière d'information et de communications, les secteurs où la population en général et les publics spécialisés ont besoin d'un surplus d'activités de promotion. Elle devient donc un outil de développement de politiques et de communications. Les divers intervenants sur le front linguistique en ont pris de plus en plus conscience au cours des dernières années. Nous avons nous-même mis en chantier un certain nombre de projets de recherche. Le Secrétariat d'État en a fait autant de son côté. Lorsque cela a été possible, nous avons joint nos forces pour commanditer certaines de ces recherches.

Les recherches en cours ou déjà achevées portent sur un vaste éventail de questions :

- les droits scolaires des minorités ;
- les attitudes et les comportements linguistiques dans la région de la capitale nationale ;

- le statut économique des différents groupes linguistiques au Canada;
- une série de monographies des groupes minoritaires dans toutes les provinces et les territoires;
- le maintien de l'acquis en langue seconde;
- une revue analytique et critique des enquêtes et sondages d'opinion menés au pays depuis le début des années 1980 sur les langues officielles.

Tendances démolinguistiques

De plus, dans notre dernier rapport annuel, nous avions mentionné la tenue à Hull, le 10 février 1989, d'un colloque intitulé *Les tendances démolinguistiques et l'évolution des institutions canadiennes*, parrainé conjointement par le Secrétariat d'État et le Commissariat. Le point de départ du colloque avait été une étude du démographe Réjean Lachapelle et de l'économiste Gilles Grenier, qui s'étaient penchés sur l'évolution démolinguistique du Canada dans le cadre d'une importante *Étude de l'évolution démographique et de son incidence sur la politique économique et sociale*, parrainée par Santé et Bien-être Canada. Leurs conclusions avaient été envoyées à plusieurs chercheurs éminents de tous les coins du Canada, des linguistes, des démographes, des historiens, des économistes et des constitutionnalistes. Au cours du colloque, ils ont confronté leurs vues, quelquefois de manière fort vigoureuse. Les débats nous ont semblé suffisamment intéressants pour mériter publication. Conjointement avec le Secrétariat d'État, nous avons donc financé la publication des actes du colloque par l'Association pour les études canadiennes. Ces actes doivent paraître au début de 1990, et nous espérons qu'ils recevront l'attention qu'ils méritent.

Module linguistique de l'Étude sociale générale

Nous attendions encore, en début d'année 1990, le rapport final du Module linguistique de l'Étude sociale générale (ESG) entreprise par Statistique Canada en 1986. Rappelons que ce module linguistique avait consisté en un questionnaire fort long et détaillé sur le comportement linguistique de près de 16 500 répondants. L'intérêt particulier de cette recherche résidait dans le fait que les questions tentaient de cerner, non pas un instantané statique, mais une évolution dans le temps de ces comportements. On comprend donc l'intérêt essentiel de cette analyse pour mieux éclairer le pourquoi et le comment de certains transferts linguistiques. Statistique Canada a déjà rendu publiques les données, mais l'analyse doit suivre. Les responsables de l'agence gouvernementale ont souvent expliqué que les délais étaient dus à la complexité des données rassemblées, à la difficulté technique de les traiter et de les analyser. Tout en nous montrant compréhensifs, nous ne pouvons cependant que déplorer l'extraordinaire retard dans la parution d'une étude qui devrait être une des plus complètes et des plus intéressantes entreprises dans le domaine linguistique au Canada au cours des dernières années.

Vers 1992

Mentionnons enfin que lors du colloque organisé par le Secrétariat d'État et la Commission de la capitale nationale en octobre 1989 et intitulé *Vers 1992*, qui se

proposait d'examiner la planification des célébrations en 1992 du 125e anniversaire de la Confédération canadienne, nous avons insisté à maintes reprises sur la nécessité de ne pas oublier la dimension des langues officielles dans les célébrations prévues et dans leur planification, arguant non seulement des politiques officielles, mais également du fait que les réjouissances sont plus franches et plus authentiques quand on peut les vivre dans sa langue maternelle.

Ces interventions se plaçaient dans le droit fil de nos préoccupations, exprimées maintes fois, sur les faiblesses linguistiques dans le déroulement d'événements importants d'envergure nationale ou internationale. Nous avions commandité une étude à ce sujet, qui fut déposée en 1989 au Comité mixte permanent des langues officielles. Nous y avons particulièrement insisté sur le fait que les langues officielles doivent occuper la place qui leur revient, non seulement sur les sites des événements, mais encore dans les lieux publics et dans les services (affichages, services de renseignements, publicité et autres) fournis par la ville et la province hôtesses. Le Conseil du Trésor a d'ailleurs publié en août 1989 une brochure intitulée *Invitation* qui traite de la façon de tirer profit des langues officielles dans les événements populaires d'envergure nationale ou internationale.

PARTIE II

Analyse – L'égalité dans les institutions fédérales

Clopin clopant

Introduction
L'ombudsman et le citoyen : on se plaint à juste titre

L'importante augmentation du nombre de plaintes reçues et d'enquêtes menées en 1989 — première année complète de la mise en vigueur de la *Loi sur les langues officielles* de 1988 qui accorde aux Canadiens des droits élargis — indique qu'il n'y a pas eu d'amélioration au chapitre des services offerts dans les deux langues officielles par le gouvernement fédéral.

Les plaintes subsistent et témoignent du fait que les droits linguistiques sont toujours mis en doute. Quant à nos enquêtes sur les causes systémiques des infractions perpétuelles, elles montrent que la situation n'a guère changé. Pour la plupart des fonctionnaires et des employés des sociétés d'État, il semble que la nouvelle loi soit restée lettre morte en 1989.

Dans les pages qui suivent, nous esquissons les tendances qui se sont manifestées en 1989 et nous décrivons quelques-unes des plaintes les plus représentatives que nous avons reçues. Nous examinons également les facteurs qui ont permis de trouver des solutions dans certains cas, ainsi que ceux qui, à d'autres occasions, ont empêché toute résolution. De plus, nous voulons illustrer comment certains aspects du travail de l'ombudsman ont pu se refléter dans nos enquêtes.

Les tendances en 1989

Le nombre total des plaintes a connu une augmentation de 25,3 p. 100, passant de 2 189 en 1988 à 2 743 en 1989. De ce nombre, 356 ont été refusées dès leur réception et 148 ont été abandonnées en cours d'enquête. En général, le Commissariat refuse de faire une enquête ou abandonne une enquête lorsqu'il n'y a pas eu infraction à la Loi, lorsque les allégations du plaignant ne sont pas fondées ou lorsque l'objet de la plainte ne relève pas de la compétence du Commissaire. En 1989, 45 plaintes ont été renvoyées pour cette dernière raison aux autorités provinciales ou municipales, avec parfois de très heureux résultats.

Des 2 387 plaintes sur lesquelles le Commissariat a accepté de faire enquête, 2 085 (soit 87,3 p. 100) touchaient le service au public. On peut attribuer cette augmentation de 27,4 p. 100, dans une large mesure, aux deux efforts de

promotion entreprise par le Commissariat en 1989 pour faire connaître la *Loi sur les langues officielles* de 1988 : une campagne portant sur le thème « Connaissez vos droits » menée à travers le pays dans les journaux de langue officielle minoritaire, et deux suppléments aux journaux, élaborés en collaboration avec le Secrétariat d'État et les associations de la presse minoritaire de langues française et anglaise.

Le plus souvent, c'est le service en français qui fait défaut, et c'est pourquoi les francophones formulent beaucoup plus de plaintes que les anglophones : 90 p. 100 du total dans les années passées. En 1989, ce pourcentage s'établissait à 86,7 p. 100 (2 070 plaintes) comparativement à 13,3 p. 100 pour les anglophones (317 plaintes). Cependant, les 317 plaintes acceptées en provenance d'anglophones constituent une augmentation globale de 62,5 p. 100. D'après les sondages menés auprès de groupes anglophones au Québec, la plupart des Anglo-Québécois — comme les minorités des autres régions — sont peu enclins à se plaindre. En effet, ils ne sont pas encore suffisamment renseignés sur leurs droits linguistiques et bon nombre d'entre eux craignent de susciter des remous en se plaignant de l'absence de services en anglais. Les plaintes des Anglo-Québécois ont néanmoins augmenté de 42,3 p. 100, passant de 97 en 1988 à 138 en 1989, tandis que les plaintes de francophones dans cette province ont diminué de 12,1 p. 100 (soit de 173 à 152). Ailleurs au pays, on semble accorder de plus en plus d'importance aux questions linguistiques. Chacun de nos bureaux régionaux a enregistré un accroissement des plaintes : dans la région de l'Atlantique, elles ont augmenté de 43,4 p. 100 (passant de 484 à 694), et dans les deux régions de l'Ouest, elles ont augmenté de 51,9 p. 100 (372 plaintes en 1988 et 565 en 1989).

Le schéma 1 illustre les causes des plaintes en matière de langue de service. On y trouve toute la gamme des échanges entre le public et les organismes fédéraux. Quatre cent cinquante plaintes portaient sur les communications par le biais des médias, soit que celles-ci avaient lieu en une seule langue, soit qu'elles ne reflétaient pas, d'une manière ou d'une autre, l'égalité des deux langues. Quelque 400 plaintes ont été formulées par des Canadiens dont on n'a pas respecté les droits linguistiques alors qu'ils étaient en voyage. Les erreurs dans l'affichage ont donné lieu à plus de 300 plaintes, tandis que l'accueil et le service au téléphone en ont suscité 260. Les erreurs dans la langue de la correspondance ont fait l'objet de 135 plaintes et, chose étonnante en cette année où les symboles bleus français-anglais du Secrétariat du Conseil du Trésor se sont répandus dans les bureaux à travers le pays, les échanges en personne ont entraîné 266 plaintes.

Le nombre de plaintes portant sur la langue de travail est passé de 127 en 1988 à 172 en 1989. Un problème fréquemment évoqué, celui des outils de travail unilingues, a suscité 62 plaintes. Les autres causes sont indiquées au schéma 2. On remarque une prise de conscience de plus en plus marquée en matière de langue de travail, et nous pensons que cette tendance se maintiendra, notamment

Schéma 1

Langue de service (1989)
Plaintes fondées

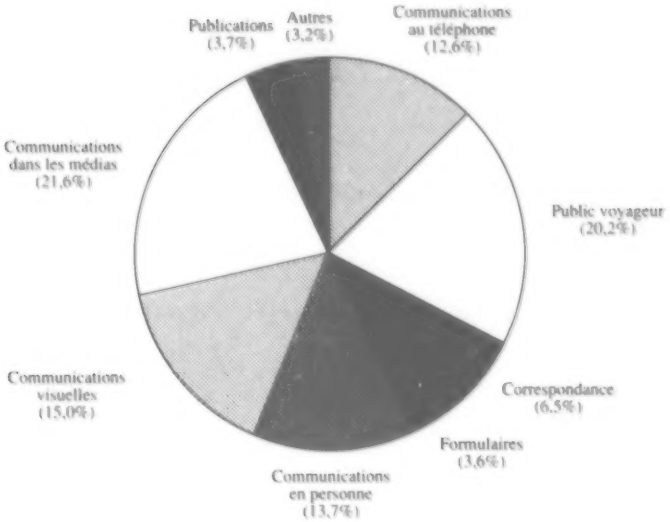
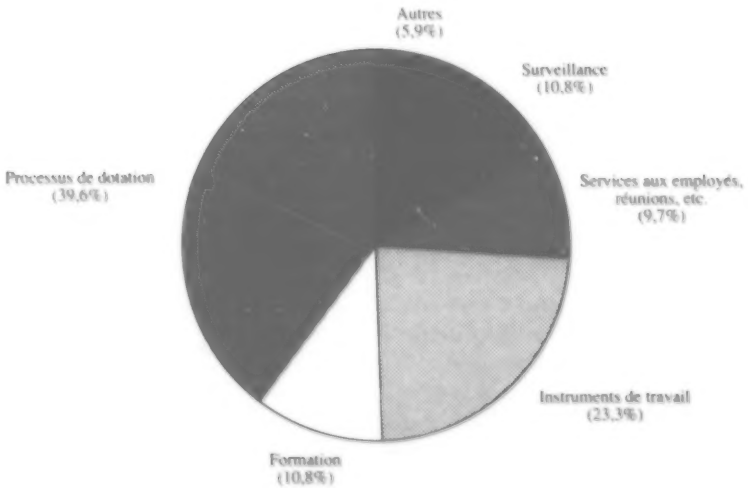


Schéma 2

Langue de travail (1989)
Plaintes fondées



lorsque les documents mis au point par le Commissariat pour expliquer la Loi de 1988 aux employés des institutions fédérales auront été distribués au début de 1990. Les plaintes fondées sur l'article 91 de la Loi de 1988, qui porte sur l'application des exigences relatives aux langues officielles lors de la dotation en personnel, sont restées à peu près constantes depuis l'adoption de la nouvelle loi, passant de 25 dans les trois derniers mois de 1988 à 93 pour l'ensemble de l'année 1989.

Une étude terminée vers la fin de 1989 a démontré qu'en matière de résolution des plaintes, il y a lieu d'éprouver un modeste degré d'optimisme. Nous avons effectué un suivi de certaines plaintes touchant la langue de service que nous avions reçues au cours des années précédentes, d'un peu partout au pays. Dans 74 p. 100 des 383 cas étudiés, le problème qui avait engendré la plainte avait été résolu. Un autre 13 p. 100 des plaintes était encore à l'étude et on pouvait espérer des mesures de redressement. La proportion de problèmes résolus était la plus élevée dans les régions les plus bilingues : 89 p. 100 dans la région de la capitale nationale, 85 p. 100 au Québec, 80 p. 100 en Ontario et 78 p. 100 au Nouveau-Brunswick.

L'un des droits les plus importants prévus par la *Loi sur les langues officielles* de 1988 est la possibilité pour un plaignant, ou pour le Commissaire si le plaignant y consent, de recourir à la Cour fédérale pour résoudre une plainte. Ce recours n'a pas été exercé en 1989, en partie en raison de l'adoption relativement récente de la Loi et, de façon plus significative, par le fait qu'on n'a toujours pas déposé les règlements nécessaires pour compléter celle-ci, de sorte que bon nombre de Canadiens ne connaissent pas encore la portée exacte de leurs droits et que plusieurs articles de la Loi sont à peu près inapplicables. La raison principale est cependant l'absence des deux éléments essentiels à une action en justice : un plaignant désireux de porter sa cause devant les tribunaux et un organisme qui refuse obstinément de prendre les mesures pour résoudre le problème. Toutefois, la façon dont on a traité un certain nombre d'affaires complexes depuis l'entrée en vigueur de la Loi, et l'amélioration du taux de plaintes réglées (trois sur quatre au lieu d'une sur deux), nous amènent à conclure que la simple existence de la clause permettant d'avoir recours aux tribunaux suffit peut-être à résoudre les problèmes avec une célérité qu'on espérait en vain avant 1988.

Études de cas

1. La langue de l'étiquetage

Depuis longtemps, la langue des emballages et des étiquettes des produits vendus au détail fait l'objet de plaintes auprès du Commissariat. C'est une question régie par un ensemble complexe de lois et de règlements fédéraux. En ce qui touche la langue, la *Loi sur l'emballage et l'étiquetage des produits de consommation*, administrée par le **ministère de la Consommation et des Corporations**, comporte généralement trois dispositions : sur l'étiquette doivent figurer,

dans les deux langues officielles, le nom générique du produit, la quantité et, selon les circonstances, le nom et l'adresse du fabricant. La *Loi sur les aliments et drogues*, administrée en partie par le ministère de la Consommation et des Corporations, mais qui relève également du **ministère de la Santé nationale et du Bien-être social**, ainsi que la *Loi sur les produits dangereux*, qui relève du ministère de la Consommation et des Corporations, comportent d'autres exigences pour certains types de produits, et les règlements édictés depuis 1974 et administrés par ces ministères viennent compliquer encore la situation.

Lorsqu'une plainte a manifestement pour objet une infraction à l'un des règlements ou lois en question, nous avons coutume de renvoyer la plainte au ministère concerné. Dans les autres cas, lorsqu'une plainte signale que des renseignements importants — instructions sur le montage, le mode d'emploi ou d'entretien, la garantie — sont unilingues, nous devons garder à l'esprit que ces questions intéressent le secteur privé et ne relèvent pas, par conséquent, de la compétence du Commissaire. Nous intervenons lorsque nous le pouvons, mais les résultats de nos interventions se fondent sur la bonne volonté du manufacturier plutôt que sur la Loi.

Depuis qu'a augmenté le nombre de produits étrangers qui entrent au pays, notamment en provenance des États-Unis, les manufacturiers canadiens ont commencé à s'inquiéter des infractions aux exigences linguistiques des lois existantes. À ce sujet, le nombre de plaintes et de demandes de renseignement a connu une hausse marquée, passant de 9 en 1988 à 68 à la fin de 1989. Les enquêtes menées en 1989 indiquent que dans la plupart des cas, c'est la santé et la sécurité du public qui sont en jeu ; elles sont parfois gravement menacées. Ainsi, on vendait dans la région du Lac Saint-Jean au Québec, sans instructions en langue française, une machine agricole fabriquée aux États-Unis — une presse à foin — qui pouvait de toute évidence mettre en danger l'utilisateur inexpérimenté ou mal informé. À notre avis, il s'agit là d'une infraction à l'esprit de l'article 26 de la *Loi sur les langues officielles*. De même, l'étiquette d'un détergent à vaisselle fabriqué au Minnesota comportait l'indication suivante : "Harmful if swallowed; eye and skin irritant; keep out of the reach of children; if swallowed drink water or milk and consult a physician", soit : « Il est dangereux d'avaler ce produit ; il peut irriter les yeux et la peau ; gardez hors de portée des enfants ; en cas d'ingestion, boire de l'eau ou du lait et consulter un médecin. » Aucun de ces avertissements n'était donné en français. L'affaire ayant suscité notre intervention auprès du ministère de la Consommation et des Corporations, on a jugé que le produit contrevenait à la *Loi sur les produits dangereux* et on l'a retiré du marché.

Les enquêtes que nous avons menées à la suite de ces plaintes, parmi d'autres, nous ont révélé un double problème qui exige notre attention. La *Loi sur les langues officielles* de 1988, qui a préséance sur toute autre loi, éclaire la situation d'un jour nouveau. D'après l'article 26, il incombe aux institutions fédérales qui

réglementent les activités de tiers exercées en matière de santé ou de sécurité du public de veiller à ce que celui-ci puisse communiquer avec eux et en recevoir les services, en cette matière, dans les deux langues officielles. D'autre part, l'article 57 autorise le commissaire à examiner tout règlement ou instruction susceptible de viser le statut ou l'emploi des langues officielles et à faire état de ses conclusions dans son rapport annuel ou dans un rapport spécial soumis au Parlement. Or, à la lumière de l'article 26, il est manifestement devenu nécessaire d'examiner les lois et règlements régissant la langue de l'emballage et de l'étiquetage et, conformément aux termes de l'article 57, le Commissaire a entrepris cet examen. Cependant, il est évident que ni **Revenu Canada (Douanes et Accise)**, ni le ministère de la Consommation et des Corporations ne disposent actuellement du personnel requis pour régir l'étiquetage des produits importés au moment de leur entrée au Canada ou de leur vente, même en vertu des lois et règlements existants. Nous avons fait part de cette observation aux ministères en question, mais aucune mesure corrective ne paraît imminente.

Dans une veine plus positive, signalons qu'à la fin de 1989, la Direction générale de protection de la santé du ministère de la Santé nationale et du Bien-être social a invité les fabricants et les importateurs d'appareils médicaux à commenter les révisions proposées des règlements sur les services médicaux afin d'assurer leur conformité à la nouvelle *Loi sur les langues officielles*. Nous comptons publier nos conclusions au cours des six premiers mois de 1990. Lorsque le Parlement aura examiné nos recommandations en matière de modifications aux lois et aux règlements, nous espérons que nous pourrons indiquer aux plaignants que des correctifs précis ont été adoptés.

2. Langue des annonces en situation d'urgence

Le 14 janvier 1987, le capitaine du vol **Air Canada** AC-833, à destination de Vancouver, a averti les passagers que le dispositif d'atterrissage de l'avion était défectueux et qu'ils devaient en conséquence se préparer à un atterrissage d'urgence. Un voyageur francophone a jugé scandaleux le fait que cet avertissement, et d'autres messages liés au premier, aient été donnés en anglais seulement. À la fin de 1989, notre dossier à ce sujet n'était toujours pas clos.

Dans notre lettre au président de la société aérienne, nous avons insisté sur la gravité de la situation. Nous lui avons signalé que cet incident illustrait une fois de plus la nécessité d'assurer la présence d'employés bilingues à bord de tous les vols, et nous avons indiqué qu'en plus de remplir cette condition, des directives précises doivent être formulées pour que toutes les annonces soient faites dans les deux langues officielles, même lorsqu'elles ne sont pas prévues.

Air Canada nous a confirmé que les annonces avaient eu lieu en anglais seulement, malgré la présence de personnel bilingue parmi l'équipage. La société nous a expliqué qu'en raison de l'urgence de la situation, l'équipage avait obéi aux ordres permanents qui, conformément aux procédures de sécurité approuvées par

Transports Canada, permettent que de telles annonces soient faites en anglais seulement. En poursuivant notre enquête, nous avons constaté que le manuel d'information générale sur les urgences de Transports Canada, tout en demandant au personnel de bord d'exercer son jugement, indique que si l'on n'a que le temps de faire une seule annonce, on doit la faire dans la langue comprise par la majorité, soit l'anglais.

Sans être tout à fait satisfaits de cette réponse, nous n'avions d'autre choix, compte tenu des circonstances, que d'en informer nos plaignants. Nous avons néanmoins poursuivi nos échanges avec le ministre des Transports en réaffirmant notre conviction que les annonces de sécurité doivent se faire dans les deux langues officielles. Le 5 décembre 1989, le ministre Benoît Bouchard, qui comparaissait devant le Comité mixte permanent des langues officielles, s'est engagé à publier dans les six premiers mois de 1990 un nouveau règlement sur les annonces de sécurité à bord des avions en provenance ou à destination du territoire canadien. Au moment où nous écrivons ces lignes, le règlement a été élaboré et le **ministère de la Justice** en a commencé l'étude.

3. Le bilinguisme : l'affaire des institutions, non des individus

Le **Comité permanent de la Consommation et des Corporations et de l'administration gouvernementale de la Chambre des communes** a beaucoup fait parler de lui dans les médias en 1989 lorsqu'il a refusé d'entendre un mémoire de l'Association des consommateurs du Canada car, même si le mémoire était présenté dans les deux langues officielles, les notes servant à l'allocution du président de l'Association avaient été distribuées en anglais seulement aux membres du Comité. Ces derniers ont énergiquement défendu le bilinguisme, l'un d'entre eux allant jusqu'à dire que le geste de l'Association était « une insulte à la langue française ». En quelques jours, le Commissariat était saisi de quatre plaintes. Au lieu de reprocher à l'Association son comportement, les plaignants, qui visiblement connaissaient bien la *Charte canadienne des droits et libertés* et la *Loi sur les langues officielles*, indiquaient que, d'après eux, ces lois garantissent le droit des citoyens d'employer l'une ou l'autre langue pour s'adresser au Parlement.

Nous avons soulevé la question avec le président de la Chambre des communes en indiquant qu'il y avait lieu de douter que la décision du Comité ait été conforme à la *Loi sur les langues officielles*. On nous apprit que le président du Comité avait demandé un avis juridique et que le bureau du légiste et conseiller parlementaire lui avait répondu que l'Association avait manifestement le droit de présenter son mémoire dans la langue officielle de son choix.

Dans sa réponse à notre lettre, le président de la Chambre a fait remarquer que le président du Comité avait immédiatement transmis l'avis juridique aux médias et que, d'après lui, le Comité reconnaissait ainsi qu'il avait outrepassé son autorité.

L'enquête sur cette affaire a donc réaffirmé le fait que la *Loi sur les langues officielles* — contrairement à l'opinion de certains — n'impose pas le bilinguisme aux individus ou aux groupes de citoyens, mais garantit plutôt leur droit de communiquer avec les institutions du Parlement et du gouvernement du Canada en français ou en anglais, à leur guise.

4. Les exigences linguistiques et les mesures de dotation en personnel

Les enquêtes que nous menons en vertu de l'article 91 de la Loi sont rarement simples. En général, il est nécessaire d'effectuer des entrevues avec les cadres et les employés et d'évaluer avec soin les exigences du poste du point de vue du service au public, de l'encadrement et des services aux autres employés. Dans 75 des 93 affaires sur lesquelles nous avons fait enquête, soit 80,6 p. 100 des cas, nous avons conclu que les exigences linguistiques étaient justifiées et qu'il n'y avait eu aucune infraction. Bien qu'il y ait là de quoi nous rassurer et satisfaire les gestionnaires et les responsables de la dotation en personnel, un certain nombre de cas indiquent que l'on n'a pas fait preuve d'objectivité, contrairement à ce qui est prévu à l'article 91. Une affaire qui n'est pas encore réglée illustre bien la complexité des problèmes soulevés et donne un aperçu du temps et de l'énergie qu'il faut consacrer aux enquêtes de ce genre. De plus, on voit que le Commissariat a dû jouer un rôle inusité en s'opposant à un ministère qui veut qu'un poste soit désigné bilingue.

Lors de la réorganisation de son bureau de Charlottetown, le **ministère des Approvisionnements et Services** a désigné bilingue, au plus haut niveau de compétence dans la langue seconde, un poste de cadre intermédiaire. Étant donné que les candidats devaient avoir la compétence voulue au moment de la nomination, l'employé unilingue qui s'était acquitté des obligations du poste depuis six mois s'est vu refuser le droit d'y faire valoir sa candidature. C'est ce qui l'a amené à porter plainte en vertu de l'article 91.

Après une enquête sur les lieux, nous avons conclu que le titulaire du poste désigné bilingue n'était pas, en réalité, celui qui serait le plus appelé à fournir des services au public dans les deux langues officielles et que, par conséquent, la désignation du « bilinguisme impératif » ne correspondait pas aux exigences objectives du poste.

Après deux rencontres entre les autorités du Ministère et le personnel du Commissariat, le Ministère a énoncé par écrit les raisons justifiant la désignation du poste. Nous avons invité le plaignant à formuler ses commentaires, lesquels ont confirmé les conclusions de nos enquêteurs. Le Commissaire a donc officiellement recommandé que le Ministère revoie le profil linguistique du poste.

Nous avons de plus indiqué au Ministère que s'il ne pouvait mettre en œuvre notre recommandation, le Commissaire avait l'intention, conformément à la

partie X de la Loi, de demander l'autorisation du plaignant de recourir à la Cour fédérale. Nous avons reçu la réponse du Ministère en fin d'année et la question est à l'étude.

Une autre enquête menée en vertu de l'article 91 nous a amenés à proposer que les exigences linguistiques d'un poste que l'on prévoyait combler soient rehaussées. Un plaignant signalait que le **Secrétariat du Conseil du Trésor** cherchait à doter un poste d'agent d'arbitrage et de griefs comportant une large gamme de pourparlers avec des agents de négociation, des conseillers juridiques et des agents des relations du travail de différents ministères. L'avis de concours se contentait de préciser que l'anglais était essentiel, et le plaignant affirmait qu'il était inconcevable que le titulaire s'acquitte de ses obligations en une seule langue sans compromettre le droit de ses interlocuteurs de s'exprimer dans la langue officielle de leur choix.

Notre enquête relevait à la fois de l'article 91 et de l'alinéa 36(1)*a*) de la *Loi sur les langues officielles*, portant sur les services centraux fournis aux employés. Nous en sommes arrivés à la conclusion qu'il y avait effectivement lieu de mettre en doute la désignation « anglais essentiel » du poste. Après de longues discussions, le Secrétariat du Conseil du Trésor a décidé que le poste devait être désigné « bilingue impératif » au plus haut niveau de compétence. Le concours a donc été annulé et on a annoncé une deuxième fois l'ouverture du poste sous sa nouvelle désignation.

5. Les droits de l'un ne suppriment pas les droits de l'autre

Une plainte affirmant que des agents d'un organisme fédéral devaient rédiger d'importants rapports dans leur deuxième langue officielle fut, pour nous, le premier signe de l'existence d'un problème qui mettait en jeu non seulement le droit du public au service dans la langue officielle de son choix et le droit des employés fédéraux de travailler dans leur langue, mais aussi un droit humain plus fondamental.

La plainte visait le **Service correctionnel du Canada**. Inquiet du volume important de traductions commandées par son service, le Sous-commissaire de la région du Québec du Service se proposait de le réduire en demandant aux agents francophones de gestion des cas, qui occupaient des postes bilingues exigeant la plus haute compétence dans la langue seconde, de rédiger en anglais les rapports de cas sur les détenus anglophones. De façon plus précise, il s'agissait de rédiger en anglais les rapports qui devaient, de droit, être lus et signés par le détenu, comme c'est le cas par exemple des rapports précédant une audience de libération conditionnelle. Au nom des agents concernés, le plaignant a fait valoir que ceux-ci étaient d'accord pour revoir de vive voix en anglais, avec le détenu, le contenu du rapport, mais qu'ils insistaient à la fois sur leur droit de travailler en français et

sur le fait qu'il leur fallait employer cette langue pour être pleinement capables de rédiger un rapport complexe, d'une importance capitale pour le détenu.

Nous avons fait comprendre au plaignant que les droits en matière de langue de travail définis par la Loi étaient subordonnés à l'obligation de servir le public dans la langue de son choix, mais notre enquête a fait apparaître qu'il s'agissait bien de rapports complexes et délicats. Nous avons signalé qu'il était réellement dans l'intérêt des détenus en question que les rapports soient bien préparés et qu'ils donnent un aperçu exact de leur cas. Nous en avons donc conclu que les intérêts des agents et des détenus étaient en fait les mêmes : pour garantir l'exactitude du rapport, il fallait que l'auteur le rédige dans la langue dans laquelle il était le plus compétent, puis qu'on le traduise au besoin.

L'aspect critique de la situation fut mis en relief par des plaintes provenant de détenus dans deux établissements différents du Québec. L'un des plaignants affirmait qu'il ne pouvait préparer une audience de libération conditionnelle parce qu'il n'avait pas accès à d'importants rapports rédigés en anglais, tandis que l'autre affirmait qu'on avait fixé la date de son audience, mais que son avocat lui avait dit qu'il ne pourrait le représenter si l'on ne pouvait obtenir des traductions. Dans ces deux cas, il était possible que la libération du détenu soit retardée. C'est pourquoi nous sommes intervenus d'urgence auprès de l'administration centrale du Service correctionnel.

À la toute fin de 1989, nous avons appris que l'audience de l'un des plaignants avait eu lieu quelques mois auparavant, mais que le détenu avait dû se contenter d'une traduction verbale de ses rapports puisque les versions écrites — dont l'une avait été demandée dès le mois de février — ne devaient être terminées qu'au mois de novembre, bien après l'audience. Dans le second cas, la traduction s'était faite dans de meilleurs délais, mais l'un des rapports avait été perdu quelque part en chemin ; l'audience fixée avait donc été reportée à la fin de novembre.

Il est impossible de surestimer la gravité du problème. Au cours de nos enquêtes sur ces deux plaintes, nous avons découvert trois autres cas dans lesquels on avait privé des détenus anglophones au Québec du droit de lire leurs rapports en anglais. Il se peut que ces affaires ne constituent que la pointe de l'iceberg. À titre de solution à long terme, le Service a promis de rehausser encore les exigences linguistiques des postes vacants qu'il aura à combler dans les établissements ayant une importante population de langue officielle minoritaire ; il redoublera également d'efforts pour recruter des agents anglophones au Québec. Les rencontres entre le Service correctionnel et le Bureau des traductions du Secrétariat d'État ont permis aux deux parties de reconnaître l'existence du problème et de s'entendre sur des mesures devant réduire les délais. L'efficacité de cette entente sera sans doute mise à l'épreuve en 1990.

6. Légal, mais injuste

Une décision administrative peut obéir à toutes les règles, sans être juste pour autant. Lorsqu'un employé civil du **ministère de la Défense nationale**, à Moncton, apprit qu'il avait réussi au concours visant à combler un poste de surveillant désigné « bilingue non impératif », il se déclara prêt à devenir bilingue et heureux d'avoir l'occasion d'apprendre le français. Malheureusement, un test diagnostique de la Commission de la fonction publique indiqua qu'il serait incapable d'acquérir la compétence requise dans les délais imposés. Il se renseigna d'abord sur ses droits auprès de notre bureau régional, puis il porta plainte en affirmant que les droits en question avaient été violés et nous demanda d'intervenir.

Notre enquête nous a permis de conclure que les exigences linguistiques du poste avaient été formulées avec objectivité et qu'aucune infraction à l'article 91 n'avait été commise. Poursuivant notre enquête, nous avons examiné de près les résultats obtenus par le plaignant aux tests linguistiques depuis 1981, et nous avons établi qu'en dépit de sa volonté sincère d'apprendre le français — attestée notamment par les cours de français à temps partiel qu'il avait suivis pendant deux ans, dans ses temps libres, à l'Université de Moncton — les résultats qu'il obtenait étaient tels qu'il lui serait impossible de satisfaire, dans les délais prescrits, aux exigences du poste. Nous avons ainsi conclu que la Commission de la fonction publique s'était montrée équitable envers le plaignant et qu'elle s'était conformée aux politiques établies par le gouvernement. Toutefois, un de nos enquêteurs était sur le point de fermer le dossier lorsqu'il remarqua que le plaignant avait passé un temps considérable aux galeries de tir et qu'il n'était pas improbable qu'il souffre d'une déficience auditive. Nous avons recommandé qu'on attende, pour combler définitivement le poste, que le ministère de la Santé nationale et du Bien-être social lui ait fait subir un examen de l'ouïe. Les résultats ayant démontré que le plaignant souffrait effectivement d'une perte de l'ouïe qui diminuait sa capacité d'apprendre le français — le ministère de la Défense nationale prit d'autres dispositions pour répondre aux obligations linguistiques du poste, accorda une exemption pour raisons médicales au plaignant et lui offrit la nomination.

7. Le choix des contribuables

L'efficacité de la plainte comme moyen d'obtenir des réformes linguistiques importantes s'est vérifiée dans une affaire qui a mis en cause **Revenu Canada (Impôt)** et qui touchera tous les contribuables canadiens. Le Ministère porte généralement attention au respect de la langue choisie par le contribuable en lui envoyant lettres et formulaires dans la langue qu'il a utilisée pour remplir la déclaration de l'année précédente. Mais comme les Canadiens sont de plus en plus nombreux à faire remplir leur déclaration de revenus par une tierce personne, ce système n'est pas à l'abri des erreurs. Un citoyen du Nouveau-Brunswick, qui recevait sa correspondance dans l'autre langue pour cette raison, a demandé à

notre bureau s'il était possible d'inclure sur les formulaires T1 une case permettant aux contribuables d'indiquer leur préférence linguistique. Le Ministère ayant étudié la proposition pour l'année d'imposition 1988 mais sans la mettre en œuvre, la question de 1988 est devenue une plainte en 1989.

Notre enquête a confirmé l'opportunité de la mesure, et nous avons donc adressé en ce sens une demande officielle au sous-ministre. Nous avons appris, tout comme le plaignant, que pour l'année 1989 tous les contribuables auront la possibilité de cocher, sur leur formulaire d'impôt, une case correspondant à la langue officielle de leur choix.

8. Le Père Noël est-il bilingue ?

Comme tous les ombudsmen, nous échouons parfois dans nos interventions au nom des plaignants. Toutefois, une plainte déposée à la toute fin de 1988 a connu une solution d'une remarquable promptitude. Depuis plusieurs années, la **Société canadienne des postes** offre un service qui est apprécié à sa juste valeur par les enfants du pays. Les lettres envoyées au Père Noël, dont l'adresse — comme tous les enfants le savent — est le Pôle nord et le code postal HOH OHO, sont triées et livrées. Les réponses du Père Noël préparées par les soins bénévoles d'employés de la Société sont envoyées par courrier ordinaire à ses correspondants impatients. On peut facilement imaginer le chagrin de trois enfants francophones de Saint-Boniface, au Manitoba, qui reçurent des réponses écrites en anglais. Notre bureau régional du Manitoba et de la Saskatchewan en fut informé le 20 décembre et le lendemain, la plainte était acheminée à l'administration divisionnaire de Postes Canada à Winnipeg. C'est avec un vif plaisir que nous pouvons annoncer que tout juste avant Noël, les enfants ont reçu une autre lettre, en français cette fois, et — fait encore plus remarquable — écrite de la main du Père Noël lui-même. Comme nous souhaiterions que toutes nos interventions soient aussi efficaces et que toutes les plaintes soient résolues avec la même rapidité et la même adresse !

1. Langue de service : ça grouille pas vite !

Au début de 1989 régnait pourtant un certain optimisme... Une *Loi sur les langues officielles* plus robuste que la précédente venait d'être adoptée, le Secrétariat du Conseil du Trésor avait pris des mesures concrètes pour accroître l'offre active, et une réglementation concernant la demande importante, la vocation du bureau et la définition des services aux voyageurs devait être déposée devant le Parlement en cours d'année. Nous étions convaincus que la *Loi sur les langues officielles* de 1988 se révélerait productive, à condition que les institutions fédérales n'adoptent pas une attitude d'attentisme d'ici l'adoption des règlements. Nous souhaitions que les institutions appliquent sans délai les nombreuses dispositions de la Loi qui se justifient d'elles-mêmes ou qui n'étaient pas assujetties à la réglementation. Nous croyions que les politiques découlant de la Loi seraient revues et corrigées en conséquence, notamment en ce qui a trait aux services offerts par un tiers, à l'utilisation de la presse de langue minoritaire et à l'obligation d'assurer l'offre active des services dans les deux langues officielles. Dans tous ces cas, l'intention du Parlement était d'une clarté exemplaire : améliorer le service au public.

L'élément le plus remarquable de 1989 est sans conteste l'activité plus intense déployée par le Secrétariat du Conseil du Trésor en vue de répondre à certaines exigences de la nouvelle loi. Le Conseil a consacré la majeure partie de l'année à élaborer de nouveaux règlements (voir le chapitre 4 de la Partie I) qui n'avaient pas encore été dévoilés au moment de la rédaction du présent rapport. Le Conseil a également signé avec les ministères concernés quelque 20 protocoles d'entente, fixant entre autres les objectifs en matière d'amélioration du service au public. Il a enfin diffusé, à l'échelle du pays, le nouveau symbole indiquant la disponibilité de services bilingues et publié un guide sur l'utilisation des deux langues officielles au cours d'événements nationaux et internationaux. En revanche, nous n'avons décelé aucune amélioration quant à l'offre active de services bilingues par les institutions fédérales, la plupart d'entre elles se réfugiant dans l'attentisme jusqu'à l'approbation de la réglementation. Contrairement aux attentes, la situation ne s'est donc guère améliorée depuis l'année dernière. Le niveau de bilinguisme des employés fédéraux a même légèrement baissé. Malgré l'article 28 de

la Loi de 1988, les résultats de notre étude menée à l'échelle du pays indiquent que les employés fédéraux ne sont toujours pas en mesure d'offrir activement un service bilingue, ce qui constitue, à notre avis, une infraction évidente à la Loi. Qui plus est, nos visites en région au cours de 1989 nous ont amenés à constater que la plupart des gestionnaires n'avaient toujours pas saisi la portée de la nouvelle législation et ce, plusieurs mois après son adoption. L'utilisation de la presse minoritaire laisse également à désirer, privant les minorités intéressées d'une information adéquate sur les politiques et les programmes du gouvernement fédéral. Parallèlement, l'adoption de la nouvelle loi et la campagne de sensibilisation lancée par le Commissariat dans la presse de langue minoritaire ont nourri les espoirs du public. Par conséquent, nous avons enregistré une augmentation de plus de 25 p. 100 des plaintes touchant le service au public en 1989.

Certains services fédéraux ont particulièrement retenu notre attention en raison du nombre de plaintes dont ils ont fait l'objet. Par suite du programme de privatisation de la Société canadienne des postes, nous avons reçu de nombreuses plaintes à l'endroit des exploitants de franchise ne fournissant pas un service bilingue. Près de 150 plaintes ayant trait à l'affichage dans les aéroports ont été portées contre Transports Canada ; cela indique un manque de contrôle de la part du Ministère. La piètre qualité des services bilingues offerts au sol et en cours de vol par Air Canada a soulevé l'ire de sa clientèle, de même que la réticence de cette société à recourir à une publicité en français à l'extérieur du Québec.

Nous consacrons le reste du présent chapitre à un tour d'horizon des suites données en 1989 à nos recommandations de l'année dernière. Nous mettons l'accent sur les progrès qui auraient pu être accomplis dans certains secteurs, notamment ceux de l'offre active du service bilingue, de l'utilisation de la presse de langue minoritaire et de la compétence bilingue de la fonction publique.

Suivi des recommandations

Le rapport de l'année dernière présentait six recommandations touchant la réglementation du Conseil du Trésor en matière de service au public et reprenait quatre recommandations concernant des problèmes tenaces relevés au cours des années précédentes.

En 1989, nos recommandations touchant la réglementation n'ont donné aucun résultat concret. Cependant, nous croyons que le Conseil du Trésor en a sérieusement tenu compte en préparant la réglementation du Gouverneur en conseil ayant trait à la demande importante, à la vocation du bureau et aux services offerts aux voyageurs. En ce qui concerne les autres recommandations, le Conseil du Trésor a donné suite à celle portant sur le bilinguisme aux événements nationaux et internationaux en publiant un guide exhaustif à l'intention des organisateurs. Il lui incombe maintenant d'assurer la diffusion et l'utilisation de ce guide.

L'année dernière, nous avons réitéré plusieurs recommandations visant à corriger diverses lacunes persistantes dans la prestation du service bilingue. Nous avions demandé que chaque bureau offrant des services à une minorité de langue officielle compte en tout temps un employé pleinement bilingue qui soit en mesure de traiter les cas complexes. Si certains ministères ont pris d'heureuses initiatives à ce chapitre, aucune directive précise n'a été émise. Depuis plusieurs années, nous prônons la suppression du niveau élémentaire de compétence en langue seconde pour la plupart des postes, mais nous avons constaté que le pourcentage de ces postes est revenu au même point qu'en 1987, soit 6,8 p. 100. Le nombre de postes de ce type a toutefois légèrement diminué, une diminution compensée par une réduction des effectifs. Au cours des années précédentes, nous avions également recommandé des mesures de contrôle plus strictes pour améliorer l'efficacité des mesures administratives destinées à pallier l'unilinguisme de certains employés occupant des postes bilingues. Si le Conseil du Trésor s'est penché sur le problème d'une offre active adéquate dans certaines régions, aucune directive ou mesure de contrôle plus rigoureuse n'a été adoptée en 1989.

L'offre active

Plusieurs institutions fédérales détiennent le monopole des services qu'elles offrent, et certaines, telles que la GRC, Douanes et Accise et Revenu Canada, jouent un rôle plutôt intimidant pour le public. Afin d'éviter que les citoyens ne soient désavantagés en se voyant refuser la possibilité de s'adresser aux autorités dans la langue officielle de leur choix, la *Loi sur les langues officielles* rend obligatoire l'offre active d'un service bilingue. Le Commissaire et ses prédécesseurs ont toujours insisté sur l'importance de l'offre active du service dans les deux langues, soutenant qu'un manquement à ce chapitre aurait comme conséquence de supprimer la demande de services dans la langue minoritaire. Nous avons donc jugé opportun d'effectuer une étude sur l'offre active de services bilingues au sein des institutions fédérales en 1989.

L'obligation de l'offre active, qui ne requiert l'adoption d'aucun règlement pour être mise en œuvre, est incorporée dans l'article 28 de la Loi. On peut donc raisonnablement supposer que les institutions fédérales appliquent cette disposition de la Loi sans attendre de directives spécifiques du Conseil du Trésor. Notre étude a été menée auprès de bureaux et d'organismes ayant fait l'objet de plaintes précises. Nous avons traité près de 400 plaintes touchant notamment l'accueil et les renseignements téléphoniques, l'affichage et le service en personne, soumettant à l'épreuve ces aspects particuliers de l'offre active.

La notion d'offre active est incluse dans les politiques linguistiques depuis de nombreuses années, mais est davantage perçue comme un complément au bilinguisme plutôt qu'une condition essentielle de services dont les employés fédéraux doivent être imputables. L'article 28 de la nouvelle loi clarifie cette notion, exigeant des institutions qu'elles informent le public — par des affiches,

des avis ou divers autres moyens — de son droit d'être accueilli et servi dans l'une ou l'autre des langues officielles, au téléphone et sur place. Aux fins de l'étude, nous avons fait la distinction entre l'accueil téléphonique et le service au comptoir. Des cinq éléments à l'étude, trois sont devenus pratique courante : l'affichage bilingue, la documentation et les écriteaux dans les deux langues officielles, ainsi que des avis informant le public qu'il peut être servi dans sa langue d'élection. Cependant, l'accueil téléphonique et en personne laissent à désirer. Ce problème tient surtout au comportement des employés. Dans tous les cas, le but de l'offre active demeure le même : les institutions doivent faire une offre active de service bilingue afin de servir le client dans la langue officielle de son choix.

Résultats de l'étude

Partout au pays, nos agents ont constaté que l'on accorde beaucoup d'importance aux aspects de l'offre active qui relèvent de l'institution elle-même et pour lesquels les deux langues officielles sont requises à l'échelle du pays. L'affichage était bilingue dans 87 p. 100 des bureaux visités, et la documentation et les écriteaux étaient disponibles dans les deux langues officielles dans 85 p. 100 des cas. L'utilisation des affiches indiquant l'offre active, où elles sont requises, a confirmé la validité de notre échantillon : 62 p. 100 des suivis ont été effectués dans des régions où les institutions fédérales sont tenues par le Conseil du Trésor d'offrir un service bilingue ; et 63 p. 100 des bureaux annonçaient la disponibilité des services dans les deux langues officielles. Dans ces régions, l'accueil téléphonique était automatiquement bilingue dans une proportion de 67 p. 100, bien que le service pouvait être offert dans la langue minoritaire dans 88 p. 100 des cas. La plus grande faiblesse notée au chapitre de l'offre active du service bilingue est précisément celle qui décourage le public de s'exprimer dans la langue de son choix. En effet, l'accueil en personne dans les régions visitées fut bilingue dans seulement 14 p. 100 des cas. Quel que soit le service fédéral, le contact entre clients et employés doit être avant tout un contact humain. Cette lacune relevée dès l'accueil présente non seulement un sérieux obstacle à la prestation bilingue de services, mais révèle que de nombreux employés et gestionnaires contreviennent à l'article 28 de la *Loi sur les langues officielles*.

Les résultats de l'étude indiquent également que l'offre de service dans la langue minoritaire est loin d'être garantie même lorsque le service est disponible. Les meilleurs résultats, tant en ce qui concerne l'accueil téléphonique et le service au comptoir que la prestation de services dans la langue du client, ont été obtenus dans les régions où les organismes fédéraux sont tenus d'offrir des services bilingues en raison de l'importance des minorités. Ainsi, dans la région de la capitale nationale, le client a été servi dans la langue officielle de son choix dans 88 p. 100 des cas (85 p. 100 au téléphone et 94 p. 100 sur place). Par contre, l'accueil était bilingue dans seulement 57 p. 100 des cas. Les performances du Québec et du Nouveau-Brunswick valent à cet égard d'être soulignées, leurs résultats étant respectivement de 86 p. 100 et de 83 p. 100. L'accueil n'était cependant bilingue que dans 39 p. 100 et 48 p. 100 des cas respectivement. Au

Nouveau-Brunswick, l'accueil était bilingue pour 15 des 23 appels effectués. Mais lors de huit visites aux bureaux de cette région, aucun client n'a été accueilli dans les deux langues officielles. De même au Québec, l'accueil au téléphone était bilingue dans 73 p. 100 des cas, mais sur les dix visites que nous avons effectuées, nous avons constaté que les clients étaient accueillis dans les deux langues officielles une fois seulement. Les régions bilingues de l'Ontario et du Manitoba affichent des résultats divers, les services étant disponibles dans la langue minoritaire dans 78 p. 100 et 75 p. 100 des cas respectivement. En Ontario, les employés répondaient au téléphone dans les deux langues dans 67 p. 100 des cas. Au cours de 27 visites effectuées dans les bureaux de cette région, aucun employé n'accueillait les clients dans les deux langues officielles. Au Manitoba, l'accueil était bilingue pour 67 p. 100 des appels effectués, mais après avoir visité huit bureaux, nous n'avons trouvé que deux employés assurant le service au comptoir dans les deux langues officielles.

Nous nous réjouissons que certains organismes aient recouru à des méthodes novatrices pour inciter le public à mieux exprimer son désir d'être servi dans la langue officielle de son choix. À Ottawa, dans un bureau des passeports, les clients doivent ainsi prendre un numéro pour être servis. Les employés font l'appel des numéros dans les deux langues et s'adressent aux clients à la fois en français et en anglais. Ces derniers se sentent donc parfaitement à l'aise de communiquer dans leur langue d'élection.

La formule d'appel par numéros ne s'applique pas aux postes d'inspection à la frontière canado-américaine, où l'achalandage réduit le plus souvent l'échange entre douaniers et voyageurs à trois ou quatre questions rituelles. Douanes et Accise Canada s'emploie donc à installer des enseignes indiquant les guérites bilingues à des postes de frontière donnés. Le système n'est pas sans faille, mais dans les régions où l'expérience a été tentée, les demandes de service dans la langue minoritaire ont considérablement augmenté.

Dans les régions largement unilingues, il est naturellement plus difficile d'être servi dans la langue officielle de la minorité, et l'accueil bilingue est loin d'être monnaie courante. Dans les provinces de l'Ouest et dans la région de l'Atlantique, l'accueil était bilingue pour 57 p. 100 des appels effectués. De plus, lors de 41 visites effectuées à ces bureaux, les employés n'ont accueilli les clients dans les deux langues qu'à deux occasions. En revanche, les demandes de services en français ont été satisfaites dans 63 p. 100 des cas dans la région de l'Atlantique et dans 68 p. 100 des cas dans l'Ouest.

En général, nos agents ont également constaté que les employés des services fédéraux répondaient généralement avec courtoisie à la clientèle. Dans 94 p. 100 des cas, le niveau de courtoisie a été qualifié d'acceptable. Aucun des agents anglophones n'a jugé inadmissible le niveau de courtoisie pour le service au comptoir. Cependant, 11 p. 100 des demandes de services en français ont été accueillies avec brusquerie, voire avec hostilité. À notre avis, l'offre active de

services bilingues tient largement à la sensibilité et à l'ouverture d'esprit de l'employé fédéral. Des murs tapissés d'affiches bilingues ont moins d'effet sur la clientèle qu'un sourire ou, à plus forte raison, une mine hargneuse. Bien que bilingue, l'accueil avait parfois de quoi décourager même le plus résolu des clients. Dans un bureau torontois, l'accueil téléphonique était bilingue, mais lorsque notre représentant a posé une question en français, la réceptionniste lui a répondu : « Un moment, je ne parle pas français. Je réponds "bonjour" parce qu'on m'y oblige. » L'appel a été transféré à un agent bilingue. Nous nous sommes néanmoins interrogés sur la réaction qu'aurait eue un véritable client.

Les résultats de notre étude tendent à démontrer que les institutions fédérales disposent de la plupart des éléments nécessaires à la prestation active de services dans l'une ou l'autre langue officielle. Le service bilingue, les affiches, la documentation et les avis en témoignent. Il incombe maintenant aux ministères et aux organismes de sensibiliser leur personnel aux dispositions de la Loi et à l'importance d'offrir au public un service bilingue adéquat, et de lui fournir des instructions sur la marche à suivre pour y parvenir.

La compétence bilingue

Depuis l'adoption de la première *Loi sur les langues officielles*, la compétence bilingue de la fonction publique s'est considérablement améliorée, tant pour ce qui est des postes bilingues que du nombre de titulaires répondant aux exigences linguistiques de ces postes. Le gouvernement fédéral se proposait d'atteindre dès 1982-1983 son objectif de 90 p. 100 au chapitre des titulaires de postes bilingues qualifiés. Cependant, au cours des dernières années, la proportion de ces titulaires s'est stabilisée, diminuant même légèrement depuis deux ans.

Cette année encore, la compétence bilingue des employés fédéraux a légèrement diminué. Le nombre de postes bilingues aux fins du service au public a chuté de près de 1 p. 100, passant de 40 235 en 1988 à 39 856 en 1989. Qui plus est, la proportion de titulaires qualifiés a également baissé, se situant à 85 p. 100 (33 881) comparativement à 85,3 p. 100 l'an dernier (34 329). Nous reconnaissons que cette baisse reflète dans une certaine mesure l'amélioration du mode d'évaluation et des répertoires d'employés bilingues. Par conséquent, la situation n'est peut-être pas aussi critique qu'elle le paraît. Cependant, cette baisse est liée à un autre phénomène qui laisse penser que la compétence bilingue a effectivement diminué. La proportion des postes bilingues n'exigeant que le niveau élémentaire de connaissance dans les deux langues est passée de 6,3 p. 100 à 6,8 p. 100, malgré nos recommandations répétées de rehausser le niveau de connaissance linguistique élémentaire. La Commission de la fonction publique et le Conseil du Trésor devraient surveiller cette situation de près. La *Loi sur les langues officielles* de 1988 risque fort d'accroître la demande pour des services bilingues, alors même que décline l'aptitude du gouvernement à y satisfaire. Le manque de personnel bilingue peut empiéter sur le droit du public d'être servi dans la langue officielle de son choix et, à l'occasion, compromettre la sécurité publique.

La presse minoritaire

Nous avons recommandé à de nombreuses reprises au gouvernement de se doter d'une politique claire en ce qui a trait à l'utilisation de la presse de langue minoritaire. La Loi de 1988 établit nettement les responsabilités du gouvernement à cet égard. Malheureusement, les institutions fédérales attendent toujours leurs directives à ce sujet. À notre avis, l'utilisation éclairée des médias dans les deux langues officielles, notamment de la presse en langue minoritaire, doit faire partie intégrante du plan de communication entre le gouvernement et le public. En vertu de l'article 11 de la *Loi sur les langues officielles* de 1988, les autorités fédérales sont tenues de recourir à des médias équivalents dans les deux langues officielles pour la publication de déclarations ou d'avis officiels. Nous croyons que ce principe correspond à l'esprit et à la lettre de la Loi, le statut égalitaire du français et de l'anglais. L'article 30, qui traite de la communication avec le public dans les deux langues officielles, précise que les institutions fédérales doivent recourir aux médias les plus appropriés pour rejoindre efficacement les intéressés en conformité avec la Loi. En général, la meilleure façon de toucher une minorité donnée est d'utiliser la presse locale, notamment lorsque l'institution a retenu les médias écrits pour s'adresser à la majorité. Nous ne répéterons jamais assez qu'il importe que des directives soient élaborées afin d'obliger les ministères et les organismes à appliquer le principe de l'équivalence à toutes leurs communications avec le public. Une utilisation équitable des médias des deux langues officielles est d'autant plus importante qu'ils servent à renseigner le public sur les programmes et les services fédéraux. Privés de cette information, certains citoyens ne peuvent même pas exiger le respect de droits qu'ils ignorent.

Cette année, les ministères et les organismes fédéraux nous ont souvent fait part de leur difficulté à respecter de nouvelles obligations qui leur paraissent obscures. Cette situation ambiguë a entraîné une forte hausse des plaintes touchant l'utilisation de la presse de langue minoritaire. En 1989, nous avons reçu 450 plaintes à cet effet, sensiblement plus que les 220 de l'an dernier. Ce type de plaintes compte pour 19 p. 100 de toutes celles que nous avons reçues, dont 111 ont été portées contre Air Canada qui, à toutes fins utiles, a cessé de diffuser des annonces publicitaires dans la presse minoritaire de langue française à l'extérieur du Québec. En outre, les avis de concours et les appels d'offres paraissent irrégulièrement dans la presse de langue minoritaire.

Les dossiers clés

La diminution des effectifs dans certains ministères et la prestation de services par des tiers conventionnés sont parfois préjudiciables au bilinguisme. Par exemple, la Société canadienne des postes n'a pas, si on en juge par les plaintes reçues, de mesures systématiques visant à assurer la prestation active de services bilingues aux comptoirs postaux privés. Le bilinguisme risque fort d'être compromis chez Via Rail où le nombre d'employés est passé de 7 300 à 4 200 en 1989. La Société et les syndicats se sont entendus sur une politique de mises à

pied reposant sur le principe d'ancienneté. Une initiative fâcheuse compte tenu du niveau de bilinguisme nettement supérieur chez les plus jeunes. À notre avis, le gouvernement aurait avantage à examiner sérieusement les répercussions linguistiques des modifications apportées à ces politiques et à ces programmes.

Conclusion

Ayant vu passer 1989, nous nous tournons vers la nouvelle décennie avec un optimisme fort tempéré par l'évolution récente du dossier. Certes, la nouvelle loi renforce le droit du citoyen d'être servi dans la langue officielle de son choix, mais il incombe aux institutions fédérales de prendre les mesures nécessaires pour garantir le respect de ce droit. À ce jour, l'effet de ces mesures ne s'est pas répercuté jusqu'aux téléphones et aux comptoirs où les services sont assurés … loin de là. Cette année, l'orchestre fédéral a joué quelques accords prometteurs mais n'a pu exécuter sa symphonie. Il lui manquait des instruments clés : directives provisoires appropriées, décrets du Gouverneur en conseil et politiques révisées. Bien que la partition soit nouvelle, le service au public, version 1989, a somme toute des consonances de déjà vu.

Nous espérons que la mise en place des nouveaux règlements incitera les organismes centraux à réexaminer leurs politiques et à élaborer une stratégie globale de mise en œuvre. En ce qui concerne l'offre active, l'absence de règlements ne justifie pas l'absence de directives visant notamment à définir les responsabilités à l'égard du service au comptoir. Si nos recommandations n'ont pas été contestées, elles n'ont pas été appliquées non plus dans la plupart des cas. Le gouvernement a entrepris de repenser et de restructurer la fonction publique pour répondre aux besoins du XXI^{e} siècle. Le moins que l'on puisse espérer, c'est qu'il ne néglige pas celui d'assurer ses services aux Canadiens dans leur propre langue officielle et qu'il en rende ses gestionnaires comptables.

2. Participation équitable : « tendre à refléter »

D'entrée de jeu, il convient de rappeler que la participation équitable des Canadiens d'expression française et d'expression anglaise dans les institutions fédérales ne constitue pas un droit individuel, à l'instar du droit du public au service dans la langue officielle de son choix et de celui des employés de l'État au choix de la langue de travail dans certaines régions du pays. Elle s'inscrit plutôt dans le domaine des droits collectifs que le gouvernement fédéral s'est engagé à respecter par la *Loi sur les langues officielles* de 1988. Cette loi assure d'une part à tous les Canadiens des chances égales d'emploi et d'avancement dans les institutions fédérales, sans distinction d'origine ethnique ni égard à la première langue apprise, et d'autre part, demande que les effectifs des institutions fédérales tendent à refléter la présence au Canada des deux collectivités de langue officielle, compte tenu de la vocation de chacune de ces institutions, notamment leur mandat, leur public et l'emplacement de leurs bureaux. Il faut de plus préciser que l'engagement du gouvernement en matière de participation équitable est fondé sur le respect intégral du mérite des postulants.

Perspective d'ensemble

Cela nous amène à aborder, une fois de plus, la question de la participation équitable au sein des institutions fédérales dans une perspective de changements institutionnels. Tout d'abord, il convient de souligner que le gouvernement peut se féliciter de ses réalisations des 20 dernières années, au cours desquelles il a su assurer un équilibre global beaucoup plus équitable dans l'ensemble de ses institutions. C'est au niveau de certaines catégories d'emplois et dans certaines régions que perdurent des déséquilibres, et où le gouvernement doit poursuivre ses efforts de redressement. Il serait illusoire toutefois d'espérer pouvoir effectuer à court terme des redressements spectaculaires dans les taux de participation en cette période de restrictions budgétaires, alors que les possibilités de recrutement des institutions fédérales sont parfois grandement limitées par la mutation du personnel touché par les coupures budgétaires, et que le taux de mobilité entre régions demeure relativement bas. Le tableau qui suit présente les

effectifs de toutes les institutions fédérales, sauf pour la Société Air Canada dont les données ne seront disponibles qu'au printemps 1990.

Tableau II.1

Répartition dans l'ensemble des institutions

	Francophones	%	Anglophones	%	Langue non précisée	%	Total
Ministères[1]	59 012	28,0	149 339	72,0			208 351
Sociétés d'État[2]	36 844	23,9	89 467	58,1	27 574	17,9	153 885
Parlement[3]	1 381	63,8	782	36,2			2 163
Forces armées[4]	23 421	27,2	62 754	72,8			86 175
GRC[5]	3 105	18,2	13 952	81,8	15	0,001	17 072
TOTAL	**123 763**	**26,5**	**316 294**	**67,6**	**27 589**	**5,9**	**467 646**

[1] Rapport annuel du Conseil du Trésor, 1988-1989.
[2] Rapports annuels sur les langues officielles, Conseil du Trésor, décembre 1988. Les chiffres cités excluent 27 574 employés qui ne sont identifiés ni comme francophones ni comme anglophones, mais qui se trouvent principalement dans des régions du pays où l'anglais prédomine.
[3] Données en provenance de l'organisme, septembre 1989. ***N. B.*** Comprend le personnel du Sénat, de la Chambre des communes et de la Bibliothèque du Parlement.
[4] Données en provenance de l'organisme, septembre 1989. ***N. B.*** Personnel militaire seulement (les fonctionnaires sont comptés dans l'effectif des ministères).
[5] Données en provenance de l'organisme, septembre 1989. ***N. B.*** Gendarmes seulement (les fonctionnaires sont comptés dans l'effectif des ministères). Les chiffres cités excluent 15 employés qui ne sont identifiés ni comme francophones ni comme anglophones.

Nos analyses de l'ensemble des effectifs des institutions fédérales, qui doivent tendre à refléter la présence au Canada des deux groupes linguistiques, soit 25,8 p. 100 pour les francophones et 74,2 p. 100 pour les anglophones[1], nous amènent à conclure que la participation des groupes linguistiques est acceptable dans l'ensemble.

Au sein de la fonction publique fédérale, la participation globale des francophones, comme nous l'avons vu au tableau II.1, est à 28 p. 100, ce qui semble légèrement élevé si on la compare à la population canadienne. Cette disproportion s'explique cependant par le trop grand nombre de francophones dans la catégorie Soutien administratif (secrétaires, commis, etc.), principalement recrutés dans la région de la capitale nationale et dans les régions bilingues. Cet équilibre relatif recèle néanmoins certains problèmes sectoriels profonds que le gouvernement et la Commission de la fonction publique doivent continuer de

[1] Recensement — Canada 1986, Statistiques Canada (estimation de la population selon la première langue officielle parlée — méthode qui accorde la priorité à la langue maternelle sur la langue parlée à la maison). ***NOTE*** : toutes les autres données de ce chapitre sur la population canadienne ont la même source.

s'employer à corriger avec toute la ténacité requise. Comme nous le verrons plus loin, c'est avec lenteur que ces déséquilibres s'amenuisent d'année en année, sauf au Nouveau-Brunswick, où le redressement en faveur des francophones a continué en 1989 sa lancée des dernières années, se rapprochant du ratio de la population minoritaire, qui est de 33,4p. 100. Par ailleurs, il en est tout autrement dans la région de la capitale nationale où le taux de participation des francophones au niveau de la gestion n'est que de 21,8 p. 100 et celui des anglophones dans la catégorie Soutien administratif ne se situe qu'à 53,7 p. 100 de l'effectif, bien que ces derniers constituent 67,8 p. 100 de la population globale de cette région. Au Québec, les anglophones touchent un bas fond inadmissible et difficilement explicable, car ils ne forment que 2,7 p. 100 de la catégorie du soutien administratif, pour une présence de 13 p. 100[2] dans l'ensemble de la population (voir tableau II.2).

Tableau II.2

Principaux déséquilibres sectoriels dans la fonction publique

Catégorie d'emploi	Francophones	%	Anglophones	%	Évolution de la participation francophone 1981-1989
Gestion	880	21,8	3 159	78,2	+ 1,3%
Scientifique et professionnelle	5 048	22,5	17 407	77,5	+ 2,6%
Soutien administratif	21 476	34,0	41 648	66,0	+ 2,2%

Régions	Effectif des ministères Francophones	%	Anglophones	%	Évolution (1981-1989) (%)	Population[1] minoritaire (%)
Québec[2]	26 324	94,5	1 623	5,5	-1,8 anglo.	13,3 anglo.
Nord et Est de l'Ontario	729	23,8	2 335	76,2	+2,8 franco.	29,3 franco.
RCN	25 669	37,4	42 944	62,6	-3,4 franco.	32,2 franco.

[1] Idem (page 102).
[2] Données excluant la région de la capitale nationale.

Les tableaux ci-dessus ne renseignent pas sur les nominations par décret du Gouverneur en conseil. Bien que la *Loi sur les langues officielles* ne s'applique pas à ces nominations, il est intéressant de noter que le pourcentage d'anglophones ainsi nommés en 1989, comme dans les quelques années qui précèdent, est estimé à 70 ou 75 p. 100, comparativement à 25 ou 30 p. 100 de francophones.

[2] Idem.

Évolution future

Facteurs d'âge

Les taux globaux de participation des francophones et des anglophones à la fonction publique sont demeurés à peu près stables depuis 1984 et comme le signalent nos rapports antérieurs, cet équilibre nécessite une attention soutenue afin de ne pas en perdre le contrôle.

En effet, le taux actuel légèrement élevé de la participation francophone (28,0 p. 100) dans la fonction publique et le fait que ces derniers sont, règle générale, plus jeunes que leurs collègues anglophones pourraient laisser présager un déséquilibre important dans les années à venir. À la suite de nos demandes répétées, la Commission de la fonction publique (CFP) s'est penchée sérieusement sur cette question et a produit en 1989 des projections sur le vieillissement des francophones et des anglophones et sur son effet sur l'équilibre total entre 1987 et l'an 2000. Nous déplorons par ailleurs que le manque de disponibilité et de compatibilité des données des sociétés d'État ne permette pas le même genre de projections pour les employés de l'État non soumis à la *Loi sur l'emploi de la fonction publique*. Nous espérons que cette brèche sera colmatée dans les plus brefs délais.

En ce qui concerne les employés soumis à la *Loi sur l'emploi dans la fonction publique*, les analyses de la Commission tendent à démontrer que l'équilibre général n'oscillera que légèrement au cours de la prochaine décennie et que la situation actuelle se maintiendra, comme ce fut le cas au cours des dernières années. Comme le démontre le tableau qui suit, les francophones sont, règle générale, plus jeunes que les anglophones. Plus spécifiquement, les francophones sont surreprésentés chez les moins de 34 ans, leur participation est équilibrée dans les groupes d'âge allant de 35 à 54 ans, alors que les anglophones sont

Tableau II.3

Effectifs selon les groupes d'âge (septembre 1989)

	% de l'effectif	Toutes les catégories		Toutes catégories sans soutien administratif		Soutien administratif seulement	
		F(%)	A(%)	F(%)	A(%)	F(%)	A(%)
Moins de 25 ans	3,1	35,7	64,3	30,3	69,7	40,2	59,8
25 à 34 ans	27,0	33,4	66,6	29,3	70,7	39,6	60,4
35 à 44 ans	37,4	29,5	70,5	27,6	72,4	34,5	65,5
45 à 54 ans	21,7	24,9	75,1	24,0	76,0	27,8	72,2
55 à 64 ans	10,2	18,8	81,2	18,2	81,8	20,5	79,5
65 ans et plus	0,6	12,8	87,2	12,6	87,4	13,7	86,3
TOTAL	**100**[1]	**28,5**	**71,5**	**26,0**	**74,0**	**34,3**	**65,7**

[1] Ce total comprend 28 cas dont l'âge est inconnu.

Source : FST-CFP septembre 1989.

surreprésentés chez les 55 ans et plus. Ces déséquilibres apparaissent encore de façon plus ostensible dans la catégorie Soutien administratif où le taux de participation des anglophones apparaît totalement insuffisant chez tous les groupes d'âge de moins de 44 ans.

Prévisions des écarts d'âge pour la période 1987-2000

Selon les analyses effectuées par la Commission de la fonction publique, si les tendances dans le recrutement des employés fédéraux se maintiennent, la participation des francophones et des anglophones au cours de la prochaine décennie demeurerait relativement constante en raison des facteurs suivants :

- l'écart entre l'âge moyen des francophones et celui de l'ensemble de l'effectif diminue d'année en année et, en l'an 2000, ne serait plus que d'une année (41,5 chez les francophones contre 42,5 pour l'ensemble des employés);

- le nombre d'employés de la catégorie Soutien administratif, dont plus du tiers (34,3 p. 100) est composé de francophones, jeunes par surcroît, est en déclin et verrait son importance relative passer de 18,4 p. 100 à 13,7 p. 100 d'ici le prochain siècle en raison des développements technologiques en cours ou attendus;

- au cours des quatre dernières années, le recrutement total de francophones à la fonction publique s'est situé en deçà de leur présence dans la population canadienne (24,1 p. 100 en 1989, 24,8 p. 100 en 1988, 23,9 p. 100 en 1987 et 21,9 p. 100 en 1986);

- le taux de participation des francophones au sein des différents groupes d'âge irait en s'accroissant chez les 40 ans et plus, alors qu'il diminuerait chez les francophones de moins de 40 ans, strate d'âge où leur nombre relatif est le plus important;

- le taux de roulement dans la catégorie Soutien administratif, où se trouve le plus grand nombre de francophones, est beaucoup plus élevé que dans les autres catégories.

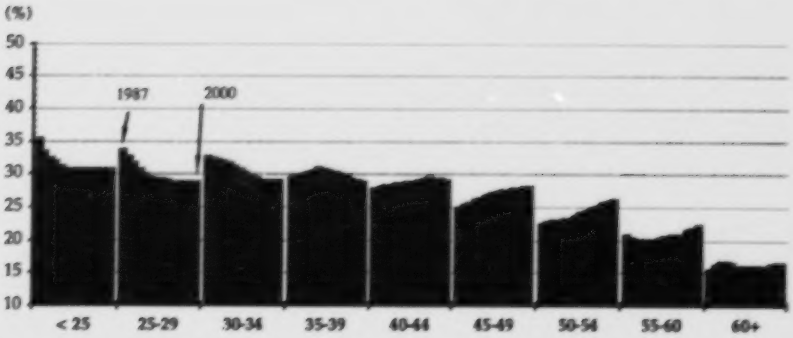
Le tableau II.4, préparé par la Commission de la fonction publique, illustre les progressions prévues pour la prochaine décennie.

Suivi des recommandations de l'an dernier

L'an dernier, l'ébauche de notre plan directeur comportait sept recommandations visant la participation équitable. Dans le cadre de ces recommandations, le Conseil du Trésor a accéléré la signature des lettres d'entente avec les ministères (24 sont maintenant signées) comportant des objectifs de redressement de certains déséquilibres de la participation, et il est sur le point d'entreprendre une démarche similaire avec les sociétés d'État, étalée sur une période de quatre ans. À notre

Tableau II.4

Représentation francophone selon le groupe d'âge, ensemble de la fonction publique (LEFP), 1987 à 2000



avis, ce dernier processus mériterait d'être accéléré. Le Conseil poursuit également l'élaboration du Système d'information sur les langues officielles pour les sociétés d'État (SILOSE), que nous réclamions depuis plusieurs années, et qui devrait être effectif à compter du printemps 1991. Quant à la participation des francophones aux catégories Gestion et Scientifique et professionnelle, des progrès mineurs sont enregistrés d'année en année, mais au rythme de cette progression, on devra attendre au moins sept à huit ans avant qu'un équilibre raisonnable soit atteint dans ces catégories d'emplois. De plus, au moment d'écrire ces lignes, l'étude du Secrétariat du Conseil du Trésor entreprise il y a plusieurs mois, à la suite de nos recommandations, dans le domaine des sciences et de la technologie, est toujours en chantier. En ce qui concerne la participation des anglophones dans les bureaux des ministères et organismes fédéraux au Québec, en particulier dans les emplois de la catégorie Soutien administratif de cette province — un des problèmes sérieux de la participation équitable au Canada — des efforts d'ordre administratif furent déployés encore cette année (groupes d'étude, rencontres, rapports) apportant un certain éclaircissement aux problèmes, sans déboucher sur des résultats tangibles. Nous espérons ne pas être obligés de soumettre de nouveaux rapports spéciaux au Gouverneur en conseil sur ces problèmes afin d'en arriver à des solutions équitables.

Principaux secteurs névralgiques

À la fin de la décennie, il convient de féliciter les gestionnaires du Nouveau-Brunswick qui se sont attaqué avec efficacité à la sous-représentation des francophones de cette province, laquelle est passée de 21,3 p. 100 en 1981 à 30,7 p. 100 en 1989, alors que la population minoritaire de cette province est de 33,4 p. 100. Par ailleurs, les déséquilibres que nous exposions dans notre dernier rapport, et comme nous l'avons vu précédemment, sont sensiblement les mêmes : faible participation francophone chez les décideurs (21,8 p. 100 chez les membres de la gestion, 22,5 p. 100 à la catégorie Scientifique et professionnelle), progression lente mais continue de la participation francophone dans le nord et l'est de l'Ontario (maintenant 23,8 p. 100), faible participation anglophone chez les membres du soutien administratif dans la région de la capitale nationale (53,5 p. 100) et enfin, stagnation au Québec où les anglophones des catégories Soutien administratif et Exploitation ne représentent que 3,1 p. 100 de l'effectif de ces catégories.

Anglophones au Québec

Près de trois ans se sont écoulés depuis notre rapport au Gouverneur en conseil sur la faible représentation des anglophones dans les bureaux du Québec de la fonction publique fédérale. Tout semble indiquer que dans l'intervalle aucun progrès notable n'a été accompli à ce chapitre, quoique le pourcentage d'anglophones ait cessé de diminuer. Depuis 1985, seulement 5,5 p. 100 des emplois de la fonction publique fédérale au Québec sont occupés par des anglophones.

Si l'on examine les tendances en matière d'emploi d'un point de vue hiérarchique, on constate que les initiatives des organismes centraux ont permis d'améliorer, dans une certaine mesure, le recrutement au niveau des agents. En 1989, quelque 12,5 p. 100 des agents recrutés étaient anglophones, comparativement à seulement 7,4 p. 100 en 1984. Les efforts déployés se sont traduits dernièrement par une présence anglophone stable dans les catégories d'agent. Cette présence s'établit, depuis la présentation de notre rapport au Gouverneur en conseil, à 8,1 p. 100. S'il est rassurant de savoir que la proportion d'agents anglophones au Québec a cessé de diminuer, il reste que l'écart est encore considérable par rapport au pourcentage de la population anglophone de cette province (13,3 p. 100).

Le tableau est beaucoup plus sombre pour les groupes de la catégorie du soutien administratif. En 1989, pas plus de 3,1 p. 100 des personnes nommées à des postes de ce groupe et de la catégorie Exploitation étaient de langue anglaise, en comparaison à 5,1 p. 100 en 1985. Cela demeure le principal obstacle à la réalisation d'un équilibre satisfaisant au Québec — un obstacle qui continue de résister à l'action du gouvernement.

Il va sans dire que ces résultats décevants sont une source de frustration pour les associations anglophones du Québec ; cela se comprend. En ce qui concerne la dotation de postes de soutien, plusieurs pratiques et méthodes établies con-

tribuent à entraver l'embauche de candidats anglophones. Bien que la Commission de l'Emploi et de l'Immigration ait mis sur pied un nouveau répertoire de placement visant à faciliter la présentation de candidats potentiels aux ministères, le taux de réussite des postulants anglophones est excessivement faible en regard du nombre de candidats répertoriés. Face à cet état de choses, il conviendrait d'examiner de beaucoup plus près les divers processus de dotation en vue de déterminer la cause exacte du problème, et plus particulièrement les compétences linguistiques des postulants.

Il faut sans doute attribuer l'inaction apparente des ministères à plusieurs facteurs, dont le recours fréquent aux vacataires pour pourvoir à des postes bilingues. Les personnes embauchées pour une courte période n'ayant pas accès à une formation linguistique, les gestionnaires recherchent des candidats possédant déjà les compétences linguistiques souhaitées et tendent peut-être à se montrer trop exigeants quant au degré de bilinguisme attendu. Sont ainsi exclus des anglophones qui connaissent suffisamment bien le français pour s'acquitter des fonctions de soutien, mais dont les connaissances peuvent être grandement sous-estimées. Malheureusement, seules les personnes qui postulent un emploi de longue durée ou pour une période indéterminée sont soumises à un test de compétence linguistique, de sorte qu'il est impossible, à l'heure actuelle, de déterminer de manière fiable la compétence en français des anglophones inscrits au répertoire de la Commission.

D'autre part, nous sommes d'avis que les sous-ministres devraient tenir leurs gestionnaires régionaux davantage comptables des efforts de recrutement en vue d'une participation équilibrée. Nous estimons en outre que la Commission de l'Emploi et de l'Immigration pourrait appliquer à la catégorie Soutien administratif l'approche « proactive » employée par la Commission de la fonction publique pour favoriser le recrutement chez les anglophones car cela a permis une certaine amélioration ces dernières années dans les catégories d'agent. La Commission pourrait, entre autres, intensifier ses efforts en accroissant ses contacts avec les sources de candidats potentiels à des postes de soutien, notamment les écoles secondaires, les instituts et les collèges. Cette forme de publicité faciliterait sans doute le recrutement d'anglophones qualifiés.

Par ailleurs, en encourageant la Commission et les ministères établis au Québec à prendre des mesures plus énergiques en faveur du recrutement d'anglophones dans le cadre du principe du mérite et en recommandant qu'ils soient davantage comptables envers les organismes centraux des résultats de leurs efforts, nous témoignons de notre intention de suivre ce dossier de très près dans les prochains mois.

Région de la capitale nationale

Ici encore, c'est au niveau de certains déséquilibres sectoriels qu'il faut agir. Plus spécifiquement, des initiatives de redressement s'avèrent toujours essentielles puisque les francophones ne détiennent qu'à peine 21,8 p. 100 des postes de ges-

tion, alors que les anglophones n'occupent que 53,3 p. 100 des postes de soutien administratif et 51,6 p. 100 des postes d'exploitation. La faible participation francophone dans la catégorie Gestion est particulièrement préoccupante, en ce sens qu'il s'agit ici du cœur même de la fonction publique canadienne. Les membres de cette catégorie sont responsables de proposer aux membres du Parlement des conseils sur la conduite des affaires de l'État, d'élaborer les politiques requises, de les mettre en œuvre, bref, de veiller au bon fonctionnement de l'appareil administratif. On s'attend donc à ce que les deux communautés linguistiques soient ici représentées de façon équitable et que chacune puisse apporter sa contribution à l'administration du pays.

Dans la catégorie Scientifique et professionnelle, les francophones ont atteint une participation de 23 p. 100, progression lente mais constante qui devrait s'approcher d'un équilibre adéquat au cours des cinq à sept prochaines années en poursuivant avec vigueur la marche actuelle.

Ici encore, c'est au niveau de la faible participation des anglophones dans la catégorie Soutien administratif que le bât blesse. Les entraves structurelles qui en sont la cause nous sont bien connues : le recrutement s'effectue presque exclusivement dans la région de la capitale nationale, milieu où les ressources francophones bilingues sont abondantes et où les réservoirs de candidats anglophones bilingues ne sont peut-être pas suffisamment exploités ; nominations fréquentes pour des périodes déterminées sans possibilité de formation linguistique, bilinguisme des secrétaires, des commis et des agents des échelons inférieurs qui supplée souvent à l'unilinguisme des surveillants. Il nous apparaît essentiel et urgent, comme pour la situation au Québec, que les administrateurs généraux, la Commission de la fonction publique et la Commission de l'Emploi et de l'Immigration se concertent pour corriger cette irrégularité qui a un effet marquant sur l'ensemble de la participation des groupes linguistiques. En particulier, nous croyons qu'une meilleure politique d'exploitation des réservoirs de candidats anglophones bilingues (écoles, collèges) doit être mise à l'essai dans les plus brefs délais, et qu'ici encore, les gestionnaires concernés soient tenus imputables des efforts déployés, et que l'on affine les connaissances actuelles en matière de bilinguisme et de motivation de postulants anglophones pour des postes de soutien à la fonction publique fédérale dans la région de la capitale nationale. Nous nous attendons donc à ce que la Commission nous éclaire sur les sources de ces problèmes et sur les mesures qu'elle entend mettre de l'avant pour y remédier.

Conclusion, besoin de règles du jeu plus claires

Comme nous l'avons dit précédemment, la marge de manœuvre des institutions fédérales en ces temps de restrictions budgétaires se trouve grandement limitée. Cela ne peut toutefois être invoqué comme une rationalisation du *statu quo*. De plus, bien que les processus administratifs soient une condition de base à une

action bien planifiée, il ne faut pas prendre l'ombre pour la proie et se réconforter par la seule mise en place de ces processus. La mesure de l'efficacité de ces initiatives demeure, à notre avis, les résultats qu'elles produisent et force nous est de constater qu'à cet égard, ceux-ci mettent généralement du temps à se manifester dans les secteurs névralgiques. Nous croyons que pour sortir de cette impasse, le Gouverneur en conseil devrait définir dans les plus brefs délais une réglementation claire et précise qui définisse des objectifs globaux et sectoriels en matière de participation équilibrée.

3. Langue de travail : hibernation prolongée

Même l'adoption de la *Loi sur les langues officielles* de 1988, il y a plus d'un an et demi, n'a pas réussi à faire sortir l'objectif de la langue de travail de son assoupissement. La situation, maintes fois décrite dans nos rapports précédents, perdure : le français n'occupe pas la place qui lui revient, en tant que langue de travail, dans la région de la capitale nationale et dans les régions bilingues hors du Québec, et encore moins dans les organismes à vocation scientifique et technique. Ce qui ne manque pas d'étonner, vingt ans après la première *Loi sur les langues officielles*, c'est qu'il arrive encore souvent que le français ne soit pas utilisé dans les communications entre les administrations centrales et les bureaux situés en régions bilingues, ainsi que dans certaines sociétés d'État ayant leur siège social au Québec. De son côté, l'anglais fait piètre figure dans de nombreux bureaux des ministères fédéraux situés au Québec, où le nombre d'anglophones est souvent marginal et figé depuis de nombreuses années. Cette somnolence reflète un laisser-aller de la part du gouvernement et démontre bien que de nombreux hauts gestionnaires fédéraux accordent peu d'importance au respect du droit qu'ont leurs employés des régions désignées d'utiliser la langue officielle de leur choix en milieu de travail.

Notre bilan de 1989 ressemble étrangement à celui de l'an dernier et fait état du suivi qui fut accordé à nos recommandations de notre dernier rapport. Bien que l'on puisse faire état de quelques initiatives heureuses, certaines barrières systémiques persistent et témoignent, selon nous, de la nécessité d'une réglementation du Gouverneur en conseil afin de préciser les règles du jeu.

Suivi de nos recommandations de 1988

Dans notre rapport de 1988, nous formulions quelques recommandations sur la langue de travail dans le cadre de la Loi de 1988. Ces recommandations n'ont été suivies qu'en partie. La première portait sur la réglementation du Gouverneur en conseil relativement à la création et au maintien d'un milieu de travail propice à l'usage effectif des deux langues officielles dans les régions bilingues. À cet égard, le Conseil du Trésor a entrepris en cours d'année une étude sur les aspects dynamiques de la langue de travail, en vue d'élaborer la future réglementation

du Gouverneur en conseil. Aucun résultat tangible n'avait été enregistré au moment d'écrire ces lignes. Par ailleurs, une autre recommandation, qui s'adressait à la Commission de la fonction publique et aux sociétés d'État, et qui préconisait l'augmentation des cours bilingues offerts aux membres de la catégorie Gestion, a eu quelques échos. Au Centre canadien de gestion, tous les cours dispensés avec succès aux sous-ministres adjoints en 1989 l'ont été sous forme bilingue. Quant aux autres groupes de la gestion, près du quart de leur formation à ce centre fut dispensée soit sous forme bilingue, soit en français. Faute de données précises, nous n'avons rien à dire sur les cours offerts par les sociétés d'État. Une troisième recommandation visait une plus grande utilisation du français comme langue scientifique dans les institutions fédérales. Malheureusement, les travaux du comité du Conseil du Trésor, mis sur pied à cet effet en 1987, ont été ajournés pour plusieurs mois au cours du mandat, et le comité n'a toujours rien produit de concret à ce jour. Une quatrième recommandation visait les nominations intérimaires. La Commission de la fonction publique a heureusement pris des mesures positives afin de répondre à cette préoccupation en imposant une période maximale de quatre mois pour ce type de nomination. Une autre recommandation réitérait notre désir de voir le gouvernement prendre des mesures incitatives fondées sur la reconnaissance d'une obligation civique réciproque en vue d'un usage plus équilibré des deux langues. Le Secrétariat du Conseil du Trésor a produit une bande vidéo destinée à sensibiliser les gestionnaires à leurs obligations. Dans le cadre de cet exercice, on a cependant omis d'inclure la notion d'obligation civique réciproque ou d'une idée équivalente qui puisse motiver aussi les employés.

Signes avant-coureurs du réveil ?

Le Secrétariat du Conseil du Trésor se remet à l'étude

Tel que nous l'avons signalé précédemment, l'étude sur les aspects dynamiques de la langue de travail entamée par le Secrétariat du Conseil du Trésor avait pour but d'analyser la situation actuelle afin de mieux élaborer la réglementation prévue par la Loi. Entreprise conjointement avec le secteur privé, elle a été effectuée dans la région de la capitale nationale ; douze ministères et organismes y participèrent. Près de mille employés dans 44 unités de travail ont rempli un questionnaire sur les facteurs facilitant l'utilisation des deux langues officielles comme langues de travail. Les chefs d'unité, pour leur part, ont fait l'objet d'entrevues pour discuter des facteurs objectifs, organisationnels et culturels qui influencent l'utilisation du français et de l'anglais dans leur unité. On devrait obtenir les conclusions et le rapport final de cette étude à la fin du premier trimestre de 1990. Nous espérons qu'elle permettra d'en arriver à une action concrète et vigoureuse et qu'elle servira de base pour l'élaboration, en début d'année, d'une réglementation appropriée du Gouverneur en conseil et à des révisions de politiques gouvernementales, si nécessaires. Cet énoncé devrait permettre de déterminer les objectifs et les mesures de contrôle qui aideront les employés de l'État à exercer leurs droits en matière de langue de travail.

En 1985, le Conseil avait produit une excellente brochure intitulée *La Présidence de réunions : comment tenir vos réunions avec succès dans les deux langues officielles*. Celle-ci a connu, au cours des derniers mois, un succès imprévisible mais n'a pas encore eu les répercussions souhaitées en raison du manque de suivis rigoureux quant à sa mise en vigueur.

La Banque du Canada, un phare dans le brouillard

Même si elles sont trop peu nombreuses, quelques institutions ont tout de même pris la question de la langue de travail au sérieux. Depuis plusieurs années, par exemple, la Banque du Canada s'efforce de promouvoir les deux langues officielles, en particulier l'utilisation du français en milieu de travail. Pour ce faire, la Banque a eu recours à deux principaux leviers : la formation linguistique dispensée aux anglophones pour atteindre un niveau de compétence supérieur et le suivi pour le maintien de l'acquis. À souligner également les visites-échanges de deux semaines entre agences de régions francophones et anglophones durant lesquelles l'agent peut mettre en pratique de façon intensive les connaissances linguistiques nouvellement acquises. Ces échanges se pratiquent tant de l'anglais vers le français qu'à l'inverse.

L'expérience a prouvé qu'avec une participation équitable des deux groupes linguistiques, il est possible de tenir des réunions où chacun peut s'exprimer et être compris dans sa langue. Le niveau supérieur de bilinguisme de nombreux employés et gestionnaires au siège social permet une utilisation plus équilibrée des deux langues officielles, en particulier du français, dans les travaux réalisés conjointement avec les collègues de Montréal.

La Banque du Canada encourage particulièrement les francophones à rédiger leurs documents de travail et leurs rapports techniques en français. À cette fin, la Banque a informé les chefs de département qu'elle mettait à la disposition des francophones des services de traduction vers l'anglais et de révision en français. On a de plus conçu des cours de français écrit, tant pour les surveillants anglophones qui tiennent à perfectionner leur langue seconde que pour les francophones qui veulent rehausser leur niveau de compétence rédactionnelle.

Ces heureuses initiatives démontrent que, même dans un milieu depuis longtemps dominé par l'une des deux langues officielles, l'équilibre en matière linguistique peut être atteint.

Certaines barrières systémiques coriaces

Bilinguisme des surveillants

Nous l'avons souvent répété, le degré de bilinguisme des surveillants est l'élément déterminant de la promotion d'une langue de travail. Malheureusement, ce message ne semble pas avoir été perçu jusqu'à présent, et le taux de surveillants qui ne satisfont pas aux exigences linguistiques de leur poste a augmenté de 3 p. 100 au cours des trois dernières années, passant de 18 p. 100 en 1987, à

21,1 p. 100 en 1989. Dans la catégorie Gestion, la situation n'est pas meilleure puisque 19,4 p. 100 des cadres ne satisfont toujours pas aux exigences linguistiques de leur poste.

Communications émanant des administrations centrales

Bien que cela semble surprenant, les communications entre les administrations centrales de la région de la capitale nationale et les administrations du Québec, du Nouveau-Brunswick et des régions bilingues de l'Ontario ne sont souvent effectuées qu'en anglais. On continue de publier des documents avec « version française à suivre » ou des versions françaises dont la qualité est si médiocre qu'il faut se référer à l'anglais pour en saisir le sens. Les communications orales entre l'administration centrale et le Québec doivent souvent être effectuées en anglais car l'interlocuteur de la région de la capitale nationale n'est pas suffisamment bilingue et ce, même s'il touche la prime au bilinguisme.

L'informatique

L'informatique prend de plus en plus de place et d'importance au sein des institutions fédérales, et certains équipements, logiciels ou relevés unilingues, empêchent beaucoup d'employés de choisir leur langue de travail, et cela plus d'un an après l'émission d'une directive du Conseil du Trésor à cet effet. Malgré la formulation sans équivoque de cette dernière, les mécanismes de contrôle de mise en œuvre semblent inadéquats, sinon absents. Nous espérons que le retard enregistré sera rattrapé dès que possible afin que l'échéancier du 1er janvier 1991, inscrit dans la Loi, soit respecté en ce qui concerne les systèmes informatiques d'usage courant et généralisé.

Surveillance des employés

Nous recevons encore de nombreuses plaintes qui révèlent que les employés ne sont pas systématiquement évalués dans la langue officielle de leur choix. Nous ne nous référons pas ici uniquement au formulaire rempli annuellement par le surveillant et portant sur le rendement de l'employé, mais aux aspects ayant des répercussions sur le travail de l'employé en cours d'année : instructions et communications orales et écrites, réunions qui ne respectent pas la préférence linguistique de l'employé, établissement d'échéanciers ne tenant pas compte des délais de traduction et forçant de nombreux francophones à travailler dans leur langue seconde. Dans la majeure partie des cas qui nous sont présentés, nous constatons que le fardeau du bilinguisme repose de façon indue sur les épaules de l'employé : ce qui va à l'encontre de l'esprit et de la lettre de la Loi.

Vers une réglementation du Gouverneur en conseil

Comme nous venons de le voir, les efforts pour atteindre les objectifs fixés sur le plan de la langue de travail, malgré quelques tentatives louables, piétinent depuis de nombreuses années. La Loi de 1988 a le grand mérite de reconnaître, pour la première fois, le droit des employés de l'État de choisir leur langue de travail dans la région de la capitale nationale et dans les autres régions désignées, mais elle ne peut à elle seule déclencher l'effet d'entraînement souhaité. À nos yeux, cela tient à l'imprécision des politiques actuelles, conjuguée au manque de

volonté réelle d'un grand nombre de cadres supérieurs pour qui l'égalité de statut des deux langues officielles dans le milieu de travail n'est pas une priorité. Il nous semble nécessaire et urgent que les règles du jeu soient enfin précisées par une réglementation émanant du Gouverneur en conseil, accompagnée de politiques adéquates touchant tous les aspects de l'égalité de statut des deux langues officielles en milieu de travail. Il faudra donc préciser les aspects statiques ou matériels du problème (les systèmes informatisés, les instruments de travail, la documentation, les services centraux), de même que les aspects humains ayant trait à la création et au maintien d'un milieu de travail propice à l'usage effectif des deux langues (la surveillance, le régime linguistique au sein des unités et à l'intérieur de toute l'organisation), afin que les employés de l'État connaissent enfin leurs droits et qu'ils soient encouragés à les exercer. Les aspects dynamiques, plus complexes que les aspects statiques, sont d'une importance déterminante dans le processus d'évolution et de valorisation des deux langues officielles en tant que langues de travail.

PARTIE III

Évaluation de cinquante institutions

Évaluation de cinquante institutions : mise en œuvre au compte-gouttes

Dans la partie précédente du rapport, nous avons exposé nos observations à titre d'ombudsman et analysé de façon thématique la performance des cinquante institutions retenues dans la présente partie quant au service au public, à la langue de travail et à la participation équitable des deux groupes linguistiques.

Parmi les quelque 160 institutions fédérales assujetties à la *Loi sur les langues officielles*, cinquante ministères et sociétés d'État ont encore fait l'objet cette année d'une évaluation de notre part. Il s'agit d'institutions fédérales ayant un effectif pouvant varier d'une centaine à plusieurs dizaines de milliers d'employés. Chaque institution se distingue par sa vocation, sa clientèle et la répartition géographique de ses bureaux.

Les quinze institutions marquées d'un astérisque ont été choisies parce qu'elles ont fait l'objet en 1989 d'une vérification linguistique ou d'un suivi de notre part. Vingt-six autres le furent en fonction de leur importance, de leur visibilité ou des nombreuses plaintes que nous avons reçues à leur égard. Certaines (7) n'avaient pas été évaluées depuis quelques années ; il était par conséquent nécessaire de reprendre leur pouls linguistique. Quelques-unes (3) ont comparu en cours d'année devant le Comité mixte permanent des langues officielles. Enfin, certaines institutions furent choisies en raison d'une combinaison des critères mentionnés ci-haut.

Dans notre évaluation, nous signalons les cas où un protocole d'entente en matière de langues officielles a été conclu au cours de l'année entre le ministère et le Conseil du Trésor. Enfin, mentionnons que ces évaluations ont fait l'objet de discussions poussées avec les institutions en cause et qu'elles reflètent, dans la mesure du possible, les commentaires reçus.

Le comportement linguistique est évalué, comme dans la partie précédente, en fonction des trois éléments fondamentaux de la Loi : le service au public, la langue de travail et la participation équitable. Nos observations portent également sur l'administration du programme des langues officielles au sein des ministères,

des organismes ou des sociétés d'État ayant fait l'objet d'une vérification linguistique ou d'un suivi en 1989. Enfin, dans chaque cas, nous faisons mention des plaintes reçues et fondées, et nous portons un jugement sur le degré de coopération que nous recevons des institutions dans la résolution de ces plaintes.

Chaque appréciation débute par un jugement global portant sur l'effet de la nouvelle loi quant à la mise en œuvre du programme des langues officielles au sein de l'institution. Cette année, l'accent a été mis sur les résultats concrets obtenus à la lumière de la situation notée dans les rapports antérieurs. Une analyse des cotes attribuées aux institutions démontre que dans au moins 80 p. 100 des cas, la nouvelle loi n'a eu qu'un effet relatif ou peu d'effet sur cette mise en œuvre.

Affaires extérieures *

Quoique dans l'ensemble le ministère des Affaires extérieures s'acquitte assez bien de ses responsabilités linguistiques en matière de service au public, il ne parvient pas à combler certaines lacunes d'une année à l'autre. L'offre active en matière de service bilingue fait encore souvent défaut au pays comme à l'étranger et, malgré une présence francophone importante dans l'organisation, le français n'occupe toujours pas la place qui lui revient au travail. Notre suivi de la vérification de 1985 nous a d'ailleurs permis de constater qu'en dépit des efforts déployés pour résoudre certains problèmes, le Ministère avait encore à prendre les mesures nécessaires afin de mettre en œuvre plusieurs recommandations. Bref, la *Loi sur les langues officielles* de 1988 n'a eu qu'un effet relatif sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Au pays, les bureaux des passeports offrent en général des services bilingues de qualité satisfaisante ; le Ministère mérite également des félicitations pour son service téléphonique de renseignement sur le libre-échange, qui a très bien fonctionné dans les deux langues officielles tout au long de l'année. Malheureusement, on ne peut en dire autant du service à tous les numéros de téléphone publics, et cette situation mérite d'être corrigée sans délai.

Sur la scène internationale, différents incidents nous indiquent que le Ministère devra faire davantage afin de refléter la dimension bilingue du Canada. Ainsi, plusieurs plaintes ont de nouveau fait état de l'accueil en personne et téléphonique unilingue dans certaines missions à l'étranger. Le problème du manque de personnel local bilingue, habituellement à la source de ces difficultés, n'est pas facile à résoudre, et c'est pourquoi nous encourageons le Ministère à redoubler ses efforts en vue de recruter sur place des personnes ayant une connaissance appropriée du français et de l'anglais. Entre temps, il doit être clairement établi auprès des employés actuels que le droit du public d'être servi dans les deux langues officielles doit être respecté en toute circonstance. Les ressources bilingues sont en nombre suffisant dans la majorité des missions et devraient

permettre d'obtenir un meilleur rendement linguistique. Par ailleurs, le Ministère devrait agir sans tarder afin de prévenir certains impairs comme à Bonn l'hiver dernier, où l'ambassade a distribué une partie de la documentation aux journalistes en anglais seulement à l'occasion de la visite du Premier ministre du Québec.

Le Ministère a embauché plus de 40 secrétaires permutantes bilingues cette année, ce qui lui a permis d'augmenter la capacité bilingue de ce groupe d'employés de 53,2 à 59,1 p. 100. La proportion de secrétaires unilingues ou n'ayant qu'une connaissance élémentaire de l'autre langue n'en reste pas moins élevée et limite les possibilités des agents francophones de nombreuses directions et missions à l'étranger à travailler dans leur langue. Il faudrait intensifier la formation linguistique à l'intention des secrétaires afin de surmonter cette difficulté.

Trois points d'intérêt retiennent plus particulièrement notre attention en matière de langue de travail au Ministère : la formation professionnelle, les services centraux et les instruments de travail. De toute évidence, le plan d'action ministériel mis en œuvre afin de permettre à un plus grand nombre de francophones de suivre des cours dans leur langue a commencé à porter fruits. Alors qu'en 1986-1987, 65 p. 100 des francophones avaient suivi leurs cours en anglais, ce taux a diminué à 47 p. 100 en 1988-1989. La situation a peu évolué du côté des services centraux et du personnel, qui disposent dans l'ensemble du personnel bilingue nécessaire. La Direction de l'affectation du personnel administratif a toutefois éprouvé de la difficulté à se doter de la capacité bilingue adéquate pour assurer, aux différents groupes d'employés qu'elle dessert, un service d'égale qualité en français et en anglais. Quoique des dispositions administratives aient été prises, elles ne peuvent suppléer adéquatement au manque d'agents d'affectation bilingues. La Direction a reconnu cette difficulté et veillera à augmenter le nombre d'agents d'affectation compétents dans les deux langues.

La première phase de mise en œuvre du système intégré de communications internes du Ministère s'est amorcée à l'administration centrale et dans différentes missions aux États-Unis. À ce stade, le Ministère nous assure que le système est en mesure de fonctionner dans les deux langues officielles et que la formation des usagers est également offerte en français comme en anglais. Bref, tout semble se dérouler tel que prévu, si l'on fait exception de certains éléments. À titre d'exemple, les manuels d'utilisation ne sont pas encore publiés en français. Dans la même veine, le Ministère devrait accélérer la révision de tous ses instruments de travail : certains manuels d'usage courant n'existent toujours qu'en langue anglaise. Enfin, la majorité des documents soumis pour étude aux différents comités sont rédigés en anglais. Cette situation perdure, en dépit d'une note de la direction adressée aux employés il y a deux ans les incitant à utiliser leur langue officielle préférée. Le Ministère devrait chercher à connaître les causes de cette situation et s'employer à y remédier.

À 30,2 p. 100, le taux d'ensemble de la participation francophone au sein du Ministère a augmenté de deux points depuis l'année dernière. Néanmoins, si l'on fait abstraction du soutien administratif, la proportion des employés francophones s'établit à 25,9 p. 100. Cet écart tient au fait que les anglophones représentent à peine 63 p. 100 de la catégorie Soutien administratif qui, à elle seule, représente 41,2 p. 100 des 4 082 employés du Ministère. Cette situation requiert une attention particulière de la part du Ministère. La participation des deux groupes linguistiques est du reste bien proportionnée dans les autres catégories d'emploi. Chez les cadres supérieurs, on a enregistré une légère remontée (de 19,4 à 20,6 p. 100) du taux de participation des francophones.

Le programme des langues officielles n'est pas suffisamment intégré à la gestion ministérielle quotidienne. Dans ce contexte, la Direction des langues officielles joue un rôle de premier plan au niveau des politiques, de l'évaluation, des contrôles, de la vérification et du traitement des plaintes. La Direction compte treize employés, deux de plus que l'année dernière. Toutefois, la responsabilité de l'administration du programme repose essentiellement sur trois personnes, ce qui ne permet pas de donner à la réforme du régime linguistique l'élan dont elle a besoin dans un ministère de cette envergure.

En 1989, le ministère des Affaires extérieures a fait l'objet de 34 plaintes, en regard de 26 l'année dernière. La majorité des plaintes avaient pour objet la langue de service et huit portaient sur la langue de travail. L'accueil téléphonique dans les bureaux du Ministère, au pays comme à l'étranger, demeure la principale cause des plaintes provenant du public. Au travail, les employés ont surtout à se plaindre des notes de service unilingues, mais d'autres incidents, comme la tenue de séances de préparation à la retraite, presque toutes en anglais, ne manquent pas d'être portés à notre attention.

Affaires indiennes et du Nord canadien *

Cette année, le ministère des Affaires indiennes et du Nord canadien, soucieux de s'ajuster aux exigences de la *Loi sur les langues officielles* de 1988, a accordé beaucoup d'importance à la planification de son programme des langues officielles. Il s'est doté d'un plan d'action tenant compte des recommandations que nous lui avons faites dans le cadre d'une vérification linguistique. Ce plan a été intégré à un protocole d'entente signé avec le Conseil du Trésor. Entre temps cependant, la capacité bilingue du Ministère s'est affaiblie dans au moins deux régions, et le nombre de surveillants possédant des compétences linguistiques satisfaisantes reste insuffisant. Par ailleurs, des déséquilibres subsistent au niveau de la participation équitable en Ontario et dans la région de l'Atlantique. Bref, la Loi de 1988 a eu des effets tangibles sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Le Ministère a donné suite à notre recommandation de mettre à jour le sondage réalisé il y a quelques années sur le profil linguistique de sa clientèle. Les

données du recensement de 1986, en plus de confirmer l'existence au Québec de plusieurs bandes indiennes comptant un pourcentage important de membres des deux groupes de langues officielles, lui ont permis d'identifier deux bandes en Ontario et autant au Nouveau-Brunswick dont un pourcentage significatif de membres parlent le français à la maison. Un calcul, entrepris en 1989, de tous les appels téléphoniques reçus en français à ses bureaux de Amherst, Sudbury et Winnipeg, ainsi que par l'intermédiaire de sa ligne téléphonique de libre appel, permettra au Ministère de terminer son évaluation de la demande de services en français. Cette évaluation ne pourra se faire que si les services du Ministère sont offerts activement dans les deux langues officielles. Ce dernier a donc identifié certaines mesures à prendre, telles que la mise sur pied de sessions de formation à l'intention de son personnel de soutien portant sur la façon d'accueillir le public au téléphone et en personne.

Pour ce qui est de la capacité bilingue du Ministère, la fermeture du bureau de Fredericton et le départ d'un employé bilingue de Amherst ont sérieusement compromis cette capacité, déjà très faible dans la région de l'Atlantique. Par surcroît, les titulaires des deux seuls postes désignés bilingues sur 417 au Manitoba ne satisfont plus aux exigences linguistiques de leur poste. Nous exhortons encore une fois la haute direction du Ministère à prendre les mesures qui s'imposent, afin de doter une fois pour toutes les bureaux de Amherst et de Winnipeg d'une capacité bilingue adéquate.

Dix-sept pour cent des surveillants (3 p. 100 de moins qu'en 1988) ne répondent pas aux exigences linguistiques de leur poste qui, pour la plupart, n'exigent qu'une compétence linguistique de niveau intermédiaire. Cette situation est loin de permettre aux 400 employés d'expression française de l'administration centrale (34,5 p. 100) d'utiliser leur langue au travail. Par ailleurs, 11 sessions d'information furent tenues dans le but de sensibiliser les gestionnaires de l'administration centrale aux droits linguistiques de leurs employés. Quant à la langue des communications entre l'administration centrale et le Québec, le système de contrôle mis en place l'année dernière semble efficace, une seule plainte ayant été rapportée à ce sujet cette année.

Au chapitre de la participation, le Ministère accorde la priorité à l'embauche d'autochtones, quelle que soit leur première langue officielle. Compte tenu de ce qui précède, du fait que 48 p. 100 de ses employés travaillent à l'ouest de l'Ontario et que la grande majorité de sa clientèle est d'expression anglaise, l'objectif du Ministère de maintenir le taux de participation francophone à environ 17 p. 100 nous semble raisonnable. C'est ce pourcentage que le Ministère vise à atteindre également dans la catégorie Gestion où les francophones sont passés de 14 sur 133 en 1988 (10,5 p. 100) à 18 sur 120 en 1989 (15 p. 100). Quant à la catégorie Scientifique et professionnelle, elle ne compte que 10,5 p. 100 de francophones à l'administration centrale. Sa participation annuelle au congrès de l'Association canadienne-française pour l'avancement des sciences pourrait aider le Ministère à atténuer ce déséquilibre.

Dans la région de la capitale nationale, le Ministère compte 34,5 p. 100 d'employés francophones, soit 3,5 p. 100 de plus qu'en 1987 : pourcentage adéquat compte tenu de son mandat et de la clientèle desservie. Cette augmentation contrebalance la baisse de la participation francophone dans la région de l'Atlantique, qui est passée de 4 p. 100 en 1988 à 2,5 p. 100 cette année et en Ontario où elle a chuté à moins de 1 p. 100. D'autre part, le Ministère devrait accorder une importance à la baisse du pourcentage d'employés anglophones au Québec, lequel est passé de 17,8 p. 100 en 1988 à 11,3 p. 100 cette année. Cette situation est due au fait que le Ministère transfère de plus en plus la gestion des écoles fédérales et des professeurs qui y travaillent aux bandes indiennes.

Grâce à notre rapport de vérification linguistique soumis au Ministère en décembre 1988 et à la préparation du protocole d'entente signé à l'automne par le Ministère avec le Conseil du Trésor, le programme des langues officielles a regagné l'importance qu'il avait perdue ces dernières années. Il est à espérer que cet état de fait se maintiendra.

Le Ministère a fait l'objet de 12 plaintes en 1988, trois de plus qu'en 1988. Neuf de ces plaintes concernaient la langue de travail au siège social et trois, le service au public. Presque toutes ces plaintes ont été réglées avant la fin de l'année.

Agriculture

Dans un contexte de décroissance progressive et de restructuration, le ministère de l'Agriculture a su maintenir, dans l'ensemble, son degré de bilinguisme en matière de service au public. Au niveau de la langue de travail, peu de progrès ont été enregistrés quant à la compétence linguistique des surveillants. Les déséquilibres au niveau de la participation équitable persistent. Bref, la *Loi sur les langues officielles* de 1988 n'a eu qu'un effet relatif sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Comme c'était le cas en 1988, le public peut généralement avoir accès à des services dans la langue officielle de son choix. Par contre, à Toronto et à Winnipeg, il n'y a pas suffisamment d'employés bilingues pour assurer un service bilingue continu. Toutefois, nous notons avec satisfaction que le Ministère publiera dorénavant ses ententes fédérales-provinciales dans les deux langues officielles. De plus, nous avons été informés du fait que la clientèle touchée par ces ententes recevra les services dans la langue officielle de son choix. Agriculture Canada prévoit enfin mettre en place de nouveaux symboles d'offre active et en mesurer l'efficacité auprès du public.

Au chapitre de la langue de travail, le Ministère a entrepris une étude sur l'utilisation du français dans le domaine de l'informatique, et s'est donné jusqu'au 31 mars 1990 pour la conclure.

Quant aux réunions de direction générale, le Ministère a mis en place des mesures pour y promouvoir la libre utilisation de l'une ou l'autre langue officielle. De

plus, le nombre de surveillants qui satisfont aux exigences linguistiques de leur poste a augmenté cette année et se situe maintenant à 79 p. 100. Des 923 postes de surveillants bilingues, 16 (1,7 p. 100) exigent le niveau élémentaire, 838 (90,8 p. 100) le niveau intermédiaire et 69 (7,5 p. 100) le niveau supérieur de bilinguisme. le Ministère a relancé au cours de l'année son programme de suivi à la formation linguistique destiné aux surveillants, et aux employés de la catégorie Gestion, dont les postes bilingues afficheront tous la norme supérieure d'ici 1997.

Compte tenu du mandat du Ministère, de l'emplacement de ses bureaux et de la clientèle desservie, la participation francophone demeure encore faible cette année (21,7 p. 100 de l'effectif). Dans la catégorie Gestion, le taux de participation reste encore faible (16,8 p. 100), et ce malgré une augmentation de 2,3 p. 100 comparativement à 1988. Dans la catégorie Scientifique et professionnelle, la proportion de francophones s'établit à 19,2 p. 100, soit une hausse de 0,5 p. 100 par rapport à l'an dernier. Au Québec, les anglophones ne représentent que 3,5 p. 100 (48 sur 1 375) de l'effectif, ce qui traduit un léger recul par rapport à 1988. Enfin, les progrès tardent à venir au Nouveau-Brunswick, où les francophones ne représentent que 20,3 p. 100 (77 sur 379) de l'ensemble des employés.

Le ministère de l'Agriculture a fait l'objet de 15 plaintes en 1989, ce qui représente une augmentation de quatre par rapport à 1988. À l'exception de deux plaintes relatives à la langue de travail, ces plaintes touchaient le service au public (affichage, accueil unilingue, annonces dans la presse minoritaire).

Air Canada *

En 1989, dans un contexte de privatisation et de changements organisationnels majeurs, Air Canada a maintenu sa capacité bilingue déjà assez importante. On enregistre cependant peu de progrès depuis 1988 dans le domaine du service au public. Les plaintes portées à notre attention démontrent que les efforts déployés par la Société doivent être constants, si elle veut se conformer aux exigences de la *Loi sur les langues officielles* de 1988. Au chapitre de la langue de travail, Air Canada tente par divers moyens de donner au français la place qui lui revient, mais les progrès accomplis dans ce domaine accusent toujours une certaine lenteur. Bref, la *Loi sur les langues officielles* de 1988 a eu peu d'effet sur la mise en œuvre du programme des langues officielles au sein de cette institution.

En ce qui concerne la langue de service, la Société continue d'améliorer de façon sensible la compétence bilingue des agents de bord ; elle a engagé plus de 300 agents bilingues en 1989, et une présentation sur les langues officielles leur fut offerte dans le cadre de leur formation. Malgré cela, le service n'est pas toujours facilement accessible dans l'une ou l'autre langue, et la répartition du personnel bilingue aux divers points de service (aéroports, billeteries, réservations) nous paraît encore déficiente. Air Canada tente de corriger la situation et devra poursuivre activement ses démarches auprès des groupes syndicaux en vue d'une

entente visant la nomination d'employés bilingues, en fonction des besoins du public et des quarts de travail. De plus, comme nous l'avons souvent noté, les agents unilingues ne recourent pas toujours aux services d'un collègue bilingue lorsque la situation le requiert, malgré les rappels qui leur sont faits à cet égard. Quant aux employés des agences urbaines, ils ont maintenant accès à un programme informatisé, contenant les terminologies française et anglaise, utiles à l'accomplissement de leurs tâches dans les deux langues.

Aux aéroports d'Ottawa et de Toronto, on a désigné des comptoirs où le service bilingue est offert en tout temps. Par ailleurs, les guichets où l'on peut recevoir un service bilingue ne sont pas toujours indiqués dans certains aéroports, tels que ceux de Vancouver et de Winnipeg. Quant aux aéroports de Saskatoon, Saint-Jean (N.-B.) et Charlottetown, ils ne sont encore respectivement dotés que d'un seul employé bilingue. Air Canada a néanmoins pris des mesures afin de servir le public dans les deux langues officielles à l'occasion des Jeux du Canada tenus à Saskatoon en 1989. Au sujet des messages, il est pour le moins surprenant que, compte tenu de la capacité bilingue actuelle, certains soient unilingues. Par contre, de nouveaux messages, d'une qualité supérieure aux précédents, ont été enregistrés en français et en anglais sur bandes magnétiques et distribués dans les principaux aéroports.

L'offre active de services bilingues demeure encore fort déficiente à Air Canada, tant pour le service en vol qu'au sol. À l'extérieur du Québec, l'accueil des passagers à la porte des avions s'effectue presque exclusivement en anglais et il en va de même des divers services offerts durant le trajet. Pour combler ces lacunes, la Société a poursuivi son programme de sensibilisation intitulé « Service aux clients », en distribuant à son personnel de bord une brochure contenant une « Charte des droits des clients », qui aborde l'aspect linguistique de ses fonctions. D'autre part, Air Canada a suivi notre recommandation d'élaborer un programme de formation linguistique de dépannage qui permettra à certains agents de bord unilingues de fournir des services bilingues à l'aide d'un vocabulaire restreint.

Au chapitre de la langue de travail, le français est toujours loin d'occuper la place qui lui revient à la direction de la Maintenance à Dorval et à celle des Opérations aériennes. Dans le premier cas, l'expérience de traduction des cartes de travail du DC-9 déterminera la possibilité d'exécuter certains travaux de maintenance dans les deux langues officielles, dans un milieu à caractère technique où le français trouve difficilement sa place. Nous notons toutefois une amélioration au niveau de la surveillance alors que plus des trois quarts des surveillants aux hangars de la Maintenance sont bilingues. Dans le secteur des Opérations aériennes, un groupe d'étude chargé de proposer les moyens d'accroître l'utilisation du français par les pilotes francophones a présenté ses recommandations qui font présentement l'objet d'une étude par la direction. Sur le plan pratique, un lexique des termes techniques français a été publié et une cassette-témoin d'un vol simulé, produite en français, a été diffusée.

Par ailleurs, les problèmes occasionnés l'an dernier par la centralisation des services d'affectation des équipages sont en bonne voie de résolution. Une fois ce processus terminé, les agents de bord de la base de Montréal devraient pouvoir, au début de 1990, transiger en français sans difficulté avec ce service, auquel sera affecté du personnel exclusivement bilingue.

En raison d'une réorganisation des effectifs au sein de la Société, les données sur la participation francophone et anglophone n'étaient pas disponibles au moment de la rédaction du rapport.

Dans le cadre de la gestion de son programme des langues officielles, Air Canada a poursuivi son importante campagne de communication et de sensibilisation auprès de son personnel cadre, et de son personnel traitant avec le public. Elle a de plus procédé à la vérification de la signalisation dans les aéroports, et à celle des messages enregistrés dans les services de réservation de certaines villes. L'élaboration d'un système informatisé d'information en gestion, qui n'était toujours pas achevée en fin d'année, devrait permettre à la Société de combler ses lacunes en matière de contrôle.

Des 131 plaintes reçues au cours de l'année, comparativement à 150 en 1988, 64 mettaient en cause la langue de service au sol, 16 portaient sur les services en vol, et 40 avaient trait à divers aspects de la langue de service. Au chapitre de la langue de travail, on enregistrait neuf plaintes ; deux autres avaient trait à la gestion du programme des langues officielles. Nous déplorons toutefois le fait que certaines réponses fournies par la Société au cours du traitement des dossiers ne nous permettent pas toujours de régler les cas de façon satisfaisante. D'autre part, nous avons reçu plus de 110 communications relativement à la non publication d'annonces d'Air Canada dans la presse minoritaire de langue française.

Comme par les années passées, plusieurs plaintes ont été portées à l'endroit des partenaires d'Air Canada relativement à l'unilinguisme des services au comptoir et des annonces d'embarquement et de sécurité à bord des vols. En effet, la clientèle se demande pourquoi Air Canada n'a pas exigé de ses filiales qu'elles se conforment à ses propres obligations linguistiques. Il n'est pas non plus toujours facile de distinguer la Société de ses filiales et de comprendre pourquoi les services sont offerts dans les deux langues dans un cas, mais pas dans l'autre. Air Canada devrait prendre les mesures nécessaires auprès de ses partenaires qui utilisent son symbole dans les campagnes de mise en marché, afin que soient respectées les dispositions de la *Loi sur les langues officielles*, du moins pour les annonces de sécurité.

Approvisionnements et Services *

Le ministère des Approvisionnements et Services a fait quelques progrès depuis 1988 en matière de service au public, mais le niveau de bilinguisme de ses agents

d'approvisionnement demeure insuffisant. Par ailleurs, le français n'a toujours pas la place qui lui revient en tant que langue de travail, et la participation des deux groupes linguistiques présente toujours des déséquilibres. Bref, la *Loi sur les langues officielles* de 1988 n'a eu qu'un effet relatif sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Le Ministère a amélioré certains aspects de son service au public. À la suite de notre intervention dans le cadre d'un dossier de plainte, la Direction des pensions de retraite à Shédiac (N.-B.) dispose, depuis octobre 1989, d'un numéro de service distinct à l'intention de sa clientèle francophone ; le Ministère a entrepris des démarches pour faire connaître ce nouveau numéro à sa clientèle. Par ailleurs, les articles de la revue *Optimum*, publiée par le Bureau des conseillers en gestion, sont maintenant publiés intégralement dans les deux langues officielles, ce qui constitue une étape importante dans l'évolution de cette publication. Enfin, à l'occasion d'une plainte, le Ministère a procédé à une vérification du service téléphonique aux 25 bureaux qui dispensent le service de voyages du gouvernement, dans le but de veiller à ce que chacun d'eux assure un accueil bilingue. Par contre, bien que le Ministère se soit engagé à rehausser les compétences linguistiques de ses agents d'approvisionnement, nous notons très peu de progrès à cet égard en 1989.

De plus, nous notons, dans l'ensemble de l'organisme, une diminution du nombre de titulaires qui répondent aux exigences linguistiques de leur poste bilingue (de 86 p. 100 en 1988 à 83 p. 100 cette année). Cette diminution, ajoutée à la compétence bilingue insuffisante des agents d'approvisionnement, ne peut avoir que des conséquences négatives sur l'ensemble du service au public. À cet égard, le Ministère aurait avantage à mettre en place un mécanisme de vérification de la satisfaction de sa clientèle, dans le but d'identifier les secteurs qui présentent des lacunes.

En dépit des mécanismes mis en place pour permettre aux employés de travailler dans leur langue (incluant la bilinguisation des instruments de travail), l'anglais reste toujours perçu comme étant la seule langue de travail au Ministère. C'est notamment le cas au secteur des approvisionnements, selon l'organisme. Parmi les causes possibles, signalons le nombre croissant de titulaires de poste de surveillant bilingue qui ne répondent pas aux exigences linguistiques de leur poste (6 p. 100 de plus qu'en 1988) et le fait que la très grande majorité (88 p. 100) de ces postes n'exige que le niveau intermédiaire de compétence linguistique de la langue seconde. Il est à noter aussi qu'aux Services d'imprimerie du gouvernement canadien, certains employés francophones ne bénéficient pas toujours de surveillance dans la langue de leur choix.

La Direction des pensions de retraite a fait l'objet de deux plaintes qui ont mis en lumière des problèmes reliés à la langue de travail. À la suite des recommandations que nous avons formulées à cet égard, le Ministère nous a fait part des

mesures qu'il compte prendre en vue de corriger la situation au niveau de la formation des employés et des communications écrites. À la fin de l'année, le dossier était toujours à l'étude.

Compte tenu du mandat du Ministère, de l'emplacement de ses bureaux et de son public, le taux de participation anglophone au sein de cet organisme demeure faible dans l'ensemble, se chiffrant à 5 587 soit 58 p. 100 des employés. Cette situation n'a pas évolué depuis 1988. C'est toujours dans les catégories Technique (63 p. 100), Soutien administratif (56 p. 100) et surtout Exploitation (35 p. 100) que les employés anglophones continuent d'être en nombres trop restreints. Nous estimons que le Ministère devrait, dans la mesure du possible, prendre des moyens pour redresser cette situation et les intégrer dans son plan d'action sur les langues officielles. À cet égard, nous l'encourageons à poursuivre les efforts de recrutement en milieu universitaire qu'il a déployés de façon particulière cette année. Au Québec, le nombre d'employés anglophones reste très faible malgré la participation du Ministère à un comité *ad hoc* chargé d'étudier cette question. En effet, sur 714 employés, 16 (soit 2,2 p. 100) sont d'expression anglaise, ce qui représente une légère diminution par rapport à l'an dernier, puisque l'on en comptait à cette époque 19 sur 726 (2,6 p. 100).

Dans son plan en matière de langues officielles de 1989-1990, le Ministère s'est fixé des objectifs qui ont été revus en fonction de la *Loi sur les langues officielles* de 1988. Ils tiennent compte notamment de l'article 91 de la Loi, de la participation anglophone au Québec, des publications et des renseignements à l'intention du grand public et de la compétence linguistique des titulaires de postes bilingues. Ces objectifs sont intégrés aux plans opérationnels de l'institution. L'évaluation des cadres supérieurs, ainsi que celle de tous les surveillants qui occupent des postes bilingues tient maintenant compte de leurs responsabilités en matière de langues officielles.

En 1989, le nombre de plaintes mettant en cause le Ministère a considérablement augmenté. Nous en avons en effet reçu 54 en 1989 comparativement à 29 en 1988. Elles portaient principalement sur les communications téléphoniques, la langue de travail et le processus de dotation des postes. Nous apprenions en fin d'année que la Direction générale des ressources humaines a pris la relève du bureau du Secrétaire général concernant la coordination des plaintes. Nous espérons que ces dernières seront traitées avec la même célérité et de façon aussi concertée entre les parties concernées.

Archives nationales

Les Archives nationales ont conservé en 1989 leur bonne cote linguistique sur le plan de la langue de service. Cependant, l'organisme tarde toujours à trouver des solutions permanentes pour régler les plus importants problèmes de cette institution, soit la langue de travail et la participation des deux groupes linguistiques.

Bref, la *Loi sur les langues officielles* de 1988 a eu peu d'effet sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Mis à part deux incidents mineurs survenus au cours de l'année, l'organisme continue d'offrir ses services dans les deux langues officielles, que ce soit l'accueil (téléphonique et en personne), les publications ou la correspondance.

La situation est moins encourageante au chapitre de la langue de travail et ne s'est guère améliorée depuis un an. Le français n'occupe toujours pas la place qui lui revient malgré le fait que les services centraux et les instruments de travail soient disponibles dans les deux langues officielles. À cet égard, seulement 8 des 202 surveillants titulaires d'un poste bilingue (4 p. 100) possèdent le niveau supérieur de compétence en langue seconde. Cette année, le nombre de surveillants qui satisfont aux exigences linguistiques de leur poste a diminué. C'est dans le cadre du récent protocole d'entente que les gestionnaires se sont engagés, par le biais de solutions concrètes, à améliorer la situation dans ce domaine précis.

Le taux de participation globale des employés anglophones a diminué quelque peu cette année et demeure insatisfaisant, compte tenu du mandat de l'organisme, de son emplacement et de sa clientèle. Il se situe à 61,4 p. 100 (478 sur 779), par rapport à 61,8 p. 100 l'année dernière. De plus, les employés anglophones sont en nombre insuffisant dans les catégories Soutien administratif (51,8 p. 100) et Exploitation (51,9 p. 100). Les francophones, par contre, ne représentent que 18,8 p. 100 des gestionnaires cadres. L'institution doit se pencher sur ces problèmes et faire les réajustements nécessaires.

Nous avons reçu trois plaintes mettant en cause les Archives en 1989, comparativement à aucune l'an passé. Toutes les trois touchaient le service au public.

Banque fédérale de développement

À la Banque fédérale de développement, certains problèmes reliés au service au public persistent depuis notre dernière évaluation, plus particulièrement au niveau de l'identification des succursales où la demande pour des services bilingues est importante et de sa capacité d'offrir des services bilingues. De plus, pour ce qui est de la langue de travail, le français n'occupe toujours pas la place qui lui revient, mais des efforts ont été faits pour améliorer la situation. Enfin, des problèmes de participation équitable, signalés en 1988, subsistent à la Banque, bien qu'elle ait entrepris de remédier à cet état de chose. Bref, la *Loi sur les langues officielles* de 1988 n'a eu qu'un effet relatif sur la mise en œuvre du programme des langues officielles dans cette société d'État.

En ce qui concerne les services au public, les lacunes que nous relevions l'an dernier au niveau de la capacité bilingue de certains bureaux persistent. Ces

problèmes proviennent en partie du fait que la Banque ne reconnaît pas la demande importante pour des services bilingues dans certaines de ses succursales. S'appuyant davantage sur la notion de régions bilingues que sur celle de l'importance de la demande pour des services bilingues, la Banque n'a désigné aucun poste bilingue dans les villes de Halifax, Charlottetown, Québec et Rouyn-Noranda. Dans six des 24 succursales reconnues par la Banque comme présentant une demande importante (Fredericton et Saint-Jean ; Mississauga, Scarborough, Toronto-Nord et Sault-Ste-Marie), on ne trouve aucun titulaire de poste bilingue. Les services ne sont donc pas offerts activement dans les deux langues officielles et la promotion des programmes dans les communautés minoritaires laisse à désirer. À la suite de plusieurs plaintes concernant l'absence d'utilisation des médias de langue minoritaire, la Banque a entrepris une étude de la notion de succursale à demande importante. Nous attendons les résultats de cette étude.

En ce qui concerne la langue de travail, les employés n'ont pas toujours la possibilité de travailler dans la langue officielle de leur choix puisque seuls 41 des 71 surveillants (57,7 p. 100) satisfont aux exigences linguistiques de leur poste au siège social de la Banque. De plus, dans neuf bureaux et succursales, 60 p. 100 ou moins des titulaires de postes de surveillance bilingues satisfont aux exigences linguistiques. Ces chiffres dénotent d'une régression par rapport à 1988.

Consciente de ses problèmes de capacité bilingue, la Banque a décentralisé son programme de formation linguistique vers chacune des régions. Parallèlement, elle a continué de repérer sa « relève » bilingue. Il s'agit d'employés et de surveillants bilingues qui occupent pour l'instant des postes unilingues.

La Banque compte 1 248 employés. Quarante pour cent de ses effectifs (499 personnes) travaillent au Québec. Parmi ce groupe, 68,9 p. 100 (344 employés) sont francophones. On constate un déséquilibre au siège social à Montréal où les francophones ne forment que 40,3 p. 100 de l'effectif de la catégorie Soutien administratif (31 employés sur 77). Dans le but de satisfaire aux exigences de la Loi en matière de participation équitable, la Banque a mis en œuvre des mesures plus dynamiques de publicité bilingue de ses postes afin de rééquilibrer la participation des groupes minoritaires à travers le pays.

Au cours de 1989, la Banque a fait l'objet de 21 plaintes, comparativement à 26 l'an dernier. Dix-huit de ces plaintes concernaient l'utilisation des médias de langue minoritaire.

Bibliothèque nationale

Généralement, la Bibliothèque nationale continue d'offrir un bon service bilingue au public. Toutefois, dans le domaine de la langue de travail, le français n'occupe toujours pas la place qui lui revient. Le déséquilibre du point de vue de

la participation des deux groupes linguistiques signalé l'an dernier reste sensiblement le même en 1989. Cependant, un protocole d'entente signé récemment a confirmé l'engagement des gestionnaires à résoudre ces problèmes. Bref, la *Loi sur les langues officielles* de 1988 a eu peu d'effet sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Même si les surveillants connaissent leurs obligations en matière de langue de travail, le français n'a pas la place qui lui revient dans cet organisme. Ce problème est sans doute exacerbé par le fait que des 124 surveillants, 21,8 p. 100 ne satisfont pas encore aux exigences linguistiques de leur poste. Il faut aussi noter que les instruments de travail ne sont pas encore tous disponibles dans les deux langues officielles et que beaucoup d'employés d'expression française ne connaissent que les termes techniques anglais. Nous devons également souligner l'absence de progrès depuis l'an dernier en ce qui concerne l'utilisation du français lors des réunions de la gestion.

Le déséquilibre au niveau de la participation globale reste sensiblement le même qu'en 1988 ; le pourcentage d'anglophones (62,8 p. 100) demeure faible. C'est particulièrement dans la catégorie Soutien administratif que les anglophones sont trop peu nombreux puisqu'ils ne constituent que 50 p. 100 de l'effectif.

En 1989, nous avons reçu trois plaintes contre la Bibliothèque, comparativement à une seule l'an dernier. Elles avaient trait à la langue de service et elles ont toutes été réglées avec rapidité, et à la satisfaction des parties concernées.

Bureau du Conseil privé

Depuis la dernière évaluation, qui remonte à 1986, le Bureau du Conseil privé fait toujours bonne figure en matière de service au public et de langue de travail. Toutefois, dans deux de ses groupes opérationnels, le Bureau a été incapable, malgré ses efforts, de rectifier les lacunes relevées au taux de participation francophone et anglophone. Bref, la *Loi sur les langues officielles* de 1988 a eu des effets tangibles sur la mise en œuvre du programme des langues officielles au sein de cette institution.

En ce qui a trait à la langue de service, le pourcentage relativement élevé de postes bilingues (83,4 p. 100 des 355 postes) et la proportion importante (88,9 p. 100) de titulaires de ces postes qui satisfont aux exigences linguistiques lui permettent d'assurer à sa clientèle, constituée principalement de hauts fonctionnaires, des services dans les deux langues officielles. En outre, la compétence bilingue des commissionnaires s'est sensiblement améliorée depuis 1986.

Du point de vue de la langue de travail, nous notons, depuis notre dernière évaluation, une augmentation du nombre de surveillants qui satisfont aux exigences linguistiques de leur poste, lequel se situe cette année à 89,5 p. 100

comparativement à 78,7 p. 100 en 1986. En outre, le formulaire d'évaluation de rendement de l'employé fait présentement l'objet d'une modification qui permettra à ce dernier d'indiquer par écrit la langue officielle de son choix. Enfin, chaque année, le Greffier rappelle aux gestionnaires leurs obligations en matière de langues officielles.

Quant à la participation globale des deux groupes linguistiques, elle demeure le principal secteur où des progrès devront être réalisés afin de compenser le recul enregistré depuis 1986. En effet, le taux d'employés d'expression anglaise est passé de 54 p. 100 en 1986 à 50,7 p. 100 en 1989. Les anglophones sont peu nombreux dans les catégories Administration et service extérieur (49,8 p. 100) et Soutien administratif (44,4 p. 100). Par contre, des progrès ont été réalisés dans la catégorie Gestion, où la proportion de francophones est passée de 20 p. 100 en 1986 à 28,3 p. 100 en 1989. Le Bureau devra multiplier ses efforts afin de remédier aux déséquilibres qui persistent.

Le Bureau du Conseil privé a fait l'objet d'une plainte en 1989. Par ailleurs, le Ministère a signé un protocole d'entente avec le Conseil du Trésor en matière de langues officielles au cours de 1989.

Bureau du Directeur général des élections

À la lecture du rapport du Directeur général des élections déposé au Parlement le 31 mars 1989 concernant l'élection du 21 novembre 1988, il est clair que le Directeur général accorde toujours une grande importance aux droits des Canadiens de voter dans leur langue. Il y constate les problèmes qui ont suscité de nombreuses plaintes d'électeurs relatives à leurs droits linguistiques et s'engage à les résoudre. Le Directeur général des élections devra aussi prendre des mesures pour améliorer la disponibilité de logiciels et de manuels de formation en informatique bilingues au sein de son organisme, et pour redresser un déséquilibre sérieux au niveau de la participation. Bref, la *Loi sur les langues officielles* de 1988 n'a eu qu'un effet relatif sur la mise en œuvre du programme des langues officielles au sein de cette institution.

À la suite de la modification de la carte électorale en 1987, Élections Canada a réduit son critère de demande importante de façon à inclure les circonscriptions électorales comptant 3 p. 100 de population de langue officielle minoritaire plutôt que 5 p. 100. Le nombre de circonscriptions électorales considérées bilingues par le Bureau est donc passé de 92 sur 282 à 98 sur 295. Le bureau du Directeur général des élections reconnaît cependant que cette définition de la demande importante devra être revue à la lumière de l'article 24 de la *Loi sur les langues officielles* de 1988 qui exige qu'il offre ses services dans les deux langues officielles partout au pays et à l'étranger. La mise en service d'une ligne téléphonique de libre appel (1-800-VOTE) et un contrat passé avec Référence Canada tendent vers cet objectif. Ces deux services ont répondu à environ

114 000 demandes de renseignements des électeurs de tous les coins du pays, dans la langue officielle de leur choix.

Élections Canada bénéficie d'une capacité bilingue exceptionnelle. Tous les titulaires de postes permanents bilingues, au nombre de 36 sur 42 (86 p. 100), satisfont aux exigences linguistiques de leurs postes. Des 117 employés temporaires embauchés lors de la dernière élection générale, 44 occupaient des postes désignés bilingues. Par contre, les compétences linguistiques de plusieurs des employés temporaires embauchés par les 295 présidents d'élection laissaient nettement à désirer. Nous avons reçu une centaine de plaintes concernant l'élection générale de 1988, soit trois fois plus qu'en 1984. Près du tiers de ces plaintes, cependant, concernaient le programme d'information des électeurs dont Élections Canada a l'entière responsabilité. Dans son rapport au Parlement, le Directeur général des élections s'engage à accorder plus d'importance aux langues officielles durant les cours de formation donnés aux présidents d'élection et les séances d'information destinées aux partis politiques, et à réévaluer son programme d'information des électeurs.

Les membres de la Commission d'enquête, instituée en novembre 1989 pour déterminer les modifications à apporter aux diverses lois électorales, devront tenir compte dans leurs recommandations au gouvernement des exigences linguistiques particulières que la Loi de 1988 impose au Bureau du Directeur général des élections.

L'utilisation des deux langues officielles dans les communications internes, verbales et écrites, présente peu de problèmes en raison du taux élevé de bilinguisme au sein du personnel. Élections Canada entend tout de même mener une étude sur la langue de travail auprès de ses employés en 1990. Entre temps, bien que le système informatique utilisé par le Bureau puisse produire des documents dans les deux langues officielles, les employés doivent travailler avec des logiciels et des manuels de formation unilingues anglais. Cette anomalie devrait être corrigée dans les plus brefs délais.

Le talon d'Achille du Bureau du Directeur général des élections est sans contredit le faible taux de participation des Canadiens d'expression anglaise. Ceux-ci, dont le taux de participation était passé de 18 p. 100 en 1984 à 22,5 p. 100 en 1987, n'occupent plus que 17 p. 100 des postes au sein du Bureau. Compte tenu de son mandat, de son emplacement et de la clientèle desservie, cette situation est inacceptable. La haute direction se doit de prendre, dans les plus brefs délais, tous les moyens dont elle dispose pour amorcer un redressement.

Les deux plaintes que nous avons reçues en 1989 mettant en cause le Bureau du Directeur général des élections concernaient le service au public. Par ailleurs, cet organisme a signé un protocole d'entente avec le Conseil du Trésor en matière de langues officielles au cours de 1989.

Commission de la capitale nationale

En 1989, la Commission de la capitale nationale a continué d'offrir au public des services bilingues d'excellente qualité. Cependant, certains domaines de ses activités auraient pu connaître davantage de progrès, d'autres ayant même régressés. La Commission n'effectue pas de vérification systématique des services au public dispensés par ses concessionnaires. Elle n'a pas encore mis en œuvre son plan d'action pour favoriser l'utilisation des deux langues officielles au travail, plan qui fut pourtant approuvé dès 1988 par son Comité supérieur de gestion. De plus, elle éprouve toujours des difficultés au niveau de la participation équitable. Bref, la *Loi sur les langues officielles* de 1988 n'a pas eu d'effet tangible sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Bon an mal an, la Commission maintient des contacts nombreux et variés avec le grand public. Ces échanges se font souvent par l'entremise de concessionnaires ou de locataires. Or, un certain nombre de plaintes font état de violations par ces tiers des clauses linguistiques de leur contrat. De plus, tout comme l'an dernier, aucune mesure systématique de vérification n'a été instaurée à cet égard. À l'heure actuelle, ce sont les gérants qui vérifient que leurs agents conventionnés respectent les dispositions de la Loi.

Malgré une forte représentation francophone, le français à la Commission de la capitale nationale n'occupe guère plus de place en tant que langue de travail cette année qu'en 1988. Le fait que seulement 66 p. 100 de ses surveillants soient bilingues, par rapport à 75 p. 100 l'an dernier, démontre même une régression à ce chapitre en 1989. À cette situation vient s'ajouter le délai de plus d'un an qu'a connu la mise en œuvre du plan d'action sur la langue de travail. Ce plan prévoit l'identification des unités de travail où le français pourrait être utilisé davantage, la tenue d'un sondage sur la langue de travail et la traduction des instruments de travail unilingues. Nous espérons que la Commission mettra plus d'énergie à mettre ce plan d'action en œuvre au cours de l'année qui vient, afin d'assurer l'égalité de statut du français comme langue de travail.

La Commission éprouve également des difficultés en ce qui touche la participation des deux groupes linguistiques dans toutes les catégories d'emploi. Les anglophones comptent pour 50,3 p. 100 de l'effectif, soit 422 des 839 employés, ce qui représente une diminution de près de 4 p. 100 par rapport aux données de l'an dernier. Ce déséquilibre nous semble inacceptable compte tenu du mandat, de l'emplacement et de la clientèle desservie par cet organisme.

La Commission a fait l'objet de 15 plaintes fondées en 1989 en comparaison de cinq en 1988 et de 10 en 1987. Trois de ces plaintes concernent la signalisation routière, et sont encore au stade de l'enquête. Les autres plaintes concernent surtout les services dispensés par des concessionnaires.

Commission de la fonction publique

En matière de service au public et de langue de travail, tout comme en 1988, la Commission de la fonction publique fait bonne figure, grâce à sa grande capacité bilingue. Cependant, la Commission devra poursuivre ses efforts en vue de résoudre ses problèmes de participation équitable. Bref, la *Loi sur les langues officielles* de 1988 a eu un effet positif sur la mise en œuvre du programme des langues officielles au sein de cette institution.

La grande capacité bilingue de la Commission de la fonction publique lui permet d'offrir ses services dans les deux langues officielles. La Commission est à revoir sa politique en matière d'utilisation des médias en langue minoritaire, en fonction de la Loi de 1988. Cependant, des plaintes concernant cette question demeurent à l'étude.

À la Commission, l'égalité de statut des deux langues officielles et le libre choix de la langue de travail ont toujours été reconnus et encouragés. Qu'il s'agisse de la surveillance, de l'évaluation de rendement, des réunions, de la vérification interne ou des services centraux, les deux langues officielles sont généralement utilisées de façon satisfaisante. Cependant, sur le plan des services offerts aux autres institutions fédérales, en raison de l'article 37 de la *Loi sur les langues officielles* portant sur les obligations particulières de la Commission en tant qu'organisme central, la Commission devra suivre de près le taux d'annulation de cours de formation professionnelle offerts en français.

Du point de vue de la participation équitable, compte tenu du mandat de la Commission, de son emplacement et de sa clientèle, le taux de participation anglophone nous apparaît trop faible, même si la situation s'est quelque peu améliorée depuis l'an dernier. Exception faite des employés du programme de formation linguistique, qui est constitué d'une forte proportion de francophones, le taux de participation anglophone ne se situe qu'à seulement 43,9 p. 100, tout comme l'an dernier. C'est d'ailleurs toujours dans la catégorie Soutien administratif que la participation anglophone est particulièrement faible (34,6 p. 100).

La Commission a fait l'objet de 38 plaintes en 1989, comparativement à 21 l'an dernier. Trente-trois d'entre elles avaient trait à la langue de service, dont l'utilisation de la presse minoritaire, les communications téléphoniques ou en personne, la correspondance et la qualité du français d'un avis de concours. Les cinq autres portaient sur la langue de travail, la participation équitable et le processus de dotation. La Commission collabore activement au règlement de ces plaintes. Par ailleurs, la Commission a signé un protocole d'entente avec le Conseil du Trésor en matière de langues officielles au cours de 1989.

Communications

À peu de réserves près, le ministère des Communications s'acquitte de ses responsabilités linguistiques en matière de service au public. Cependant, c'est au

niveau de la langue de travail et de la participation équitable qu'apparaissent certains problèmes. Bref, la *Loi sur les langues officielles* de 1988 n'a eu qu'un effet relatif sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Comme nous le mentionnions l'an passé, le ministère des Communications offre activement ses services dans les deux langues officielles. Le Ministère voit à ce que l'affichage soit bilingue dans tous ses bureaux, dans les régions, ainsi qu'à son siège social. À quelques exceptions près, il veille aussi à ce que l'accueil se fasse dans les deux langues. Toutes les publications destinées au public sont offertes dans les deux langues officielles. Quand le Ministère fait appel aux médias, les avis ou les annonces sont publiés dans la presse écrite de chacune des deux communautés de langue officielle. Nous incitons par ailleurs le Ministère à donner suite à l'engagement qu'il réitère depuis trois ans de vérifier périodiquement si sa clientèle est satisfaite de l'aspect linguistique des services dispensés.

Cependant, nous avons certaines réserves à l'égard de l'Agence des télécommunications gouvernementales, à laquelle nous demandons d'accroître ses efforts en vue d'assurer en tout temps des services téléphoniques bilingues de qualité égale dans tout le réseau de l'État, et de veiller à la bonne qualité des inscriptions bilingues dans les pages bleues des annuaires téléphoniques.

La situation en matière de langue de travail est également préoccupante. La nature des activités du Ministère et le niveau de bilinguisme dans certains secteurs d'activité dont, entre autres, les domaines du spectre et de la technologie, font que le français n'a pas la place qui lui revient au Ministère. Ainsi, ces centres d'activité sont davantage marqués par l'influence américaine et la poussée internationale de l'anglais. Nous encourageons le Ministère à déployer tous les efforts nécessaires pour accroître la place du français comme langue de travail.

Le problème de la participation des deux groupes de langue officielle dont nous faisions état l'an dernier s'est aggravé au cours de l'année. Le taux de participation anglophone, qui se situait à 65,9 p. 100 en 1988, a diminué à 63,8 p. 100, ce qui nous paraît insuffisant compte tenu du mandat de l'organisme, du public qu'il dessert et de l'emplacement de ses bureaux. Cette baisse s'est manifestée dans la plupart des catégories d'emploi. C'est surtout dans la catégorie Soutien administratif que les anglophones sont en faible proportion (49,4 p. 100). En 1989, la participation anglophone au Québec a connu un léger regain, passant de 4,3 p. 100 à 6,0 p. 100. Cette progression devra se poursuivre.

Le Ministère a fait l'objet de 11 plaintes en 1989, comparativement à 14 l'an passé. Elles portaient sur la langue de service, notamment l'accueil téléphonique et la documentation. Par ailleurs, le Ministère a signé un protocole d'entente avec le Conseil du Trésor en matière de langues officielles au cours de 1989.

Conseil canadien des relations du travail*

Depuis notre évaluation de 1983, le Conseil canadien des relations du travail a maintenu un bon rendement linguistique. À l'administration centrale, à Ottawa, où travaillent environ 75 p. 100 des employés, le Conseil assure tous ses services dans les deux langues officielles, mais dans certains bureaux régionaux, le degré de bilinguisme n'est pas adéquat. À l'administration centrale, les deux langues officielles sont utilisées au travail, mais un faible taux de participation anglophone persiste depuis de nombreuses années. Bref, la *Loi sur les langues officielles* de 1988 n'a eu qu'un effet relatif sur la mise en œuvre du programme des langues officielles au sein de cette institution.

À l'administration centrale, 94 p. 100 des titulaires de postes bilingues satisfont aux exigences linguistiques de leur poste. Les services sont donc offerts activement dans les deux langues officielles. Les huit postes du bureau de Montréal sont désignés bilingues, et leurs titulaires répondent aux exigences linguistiques. Par contre, les bureaux de Toronto et de Winnipeg ne comptent qu'un petit nombre d'employés bilingues et les services de base sont assurés par le personnel de soutien. Compte tenu de la clientèle minoritaire et de la nature des services fournis, ces bureaux devraient pouvoir assurer la gamme complète de leurs services dans les deux langues officielles. À Dartmouth (Nouvelle-Écosse), il n'existe ni postes ni employés bilingues, mais comme le Conseil considère toute demande faite dans la langue officielle de la minorité comme étant importante, il assure les services en français par le truchement d'une ligne téléphonique directe qui relie le bureau de Dartmouth à l'administration centrale. Toutefois, étant donné que le bureau de Dartmouth dessert le Nouveau-Brunswick et les autres secteurs bilingues de la région de l'Atlantique, le Conseil devrait réexaminer la compétence bilingue de son effectif à cet endroit.

Les deux langues officielles sont employées à l'administration centrale, où tous les surveillants sauf un sont bilingues. Les deux langues sont également employées au cours des réunions. Les évaluations de rendement se font dans les deux langues, et les services centraux sont offerts en français et en anglais.

Sur les 99 employés du Conseil, 34 sont anglophones, ce qui s'avère peu élevé. La participation des anglophones est particulièrement déficiente dans la catégorie Soutien administratif (26 p. 100) et dans la catégorie Administration et service extérieur (33 p. 100). Par ailleurs, seulement un des sept cadres supérieurs est francophone. Le Conseil devra prendre les mesures nécessaires pour corriger ces déséquilibres.

Le Conseil n'a fait l'objet d'aucune plainte en 1989.

Conseil de recherches médicales *

La situation s'est améliorée au Conseil de recherches médicales depuis notre dernière évaluation, parue dans le *Rapport annuel 1987*. Les progrès enregistrés

touchent le service au public, la langue de travail et l'administration des programmes. Néanmoins, des efforts supplémentaires s'imposent afin d'augmenter le nombre des surveillants bilingues et de corriger les déséquilibres sur le plan de la participation. Bref, la *Loi sur les langues officielles* de 1988 a eu un effet tangible sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Le secrétariat du Conseil compte 58 membres en fonction à Ottawa et est en mesure de servir les membres du Conseil et de ses nombreux comités, ainsi que les chercheurs canadiens, dans les deux langues officielles. Sur les 58 postes occupés, 44 (75,9 p. 100) sont bilingues, la plupart exigeant une compétence linguistique de niveau intermédiaire. Parmi les titulaires de ces postes, 40 (90,9 p. 100) satisfont aux exigences ou les dépassent. La situation s'est donc sensiblement améliorée depuis 1987, car seulement 28 employés étaient bilingues cette année-là.

Le Conseil est aujourd'hui plus à même d'évaluer le degré de bilinguisme des scientifiques qui composent ses comités d'examen par les pairs et qui évaluent les demandes de subventions et de bourses présentées par des chercheurs. Le Conseil veille à ce que certains membres de chaque comité soient bilingues. Par ailleurs, il a aussi sondé le degré de bilinguisme des 11 000 scientifiques (5 000 au Canada et 6 000 à l'étranger) qui remplissent les fonctions d'examinateur de l'extérieur dans le processus d'examen, et il peut dès lors faire appel à ceux d'entre eux qui peuvent travailler aussi bien en français qu'en anglais dans la discipline appropriée des sciences de la santé. Néanmoins, comme la capacité d'utiliser couramment la langue officielle seconde provient d'auto-évaluations, le Conseil devrait trouver des moyens de vérifier cette compétence. Il devrait aussi informer sa clientèle scientifique francophone des mesures prises pour éliminer les contraintes linguistiques liées au processus d'examen des demandes, qui ont été signalées précédemment ou sont encore ressenties par les chercheurs, afin que ces derniers puissent, en toute confiance, soumettre leur demande de subvention ou de bourse en français. Enfin, des mesures ont été prises pour combler les lacunes déjà signalées dans le service téléphonique et la correspondance.

Le statut du français comme langue de travail s'est amélioré à plusieurs égards. Les services centraux sont offerts dans les deux langues officielles. De plus, la préférence linguistique de tous les employés est connue et consignée. Ils peuvent tous obtenir leur évaluation de rendement dans la langue de leur choix. Aux réunions, les deux langues officielles sont utilisées. Enfin, la plupart des instruments de travail existent dans les deux langues officielles. Toutefois, seulement 10 des 17 surveillants sont bilingues, état de choses que le Conseil devra, en priorité, veiller à améliorer. Des plans de formation linguistique existent pour les employés qui ne satisfont pas encore pleinement aux exigences linguistiques de leur poste. Par ailleurs, la moitié seulement des logiciels du système informatique interne est disponible dans les deux langues officielles, mais la traduction des autres logiciels suit son cours.

La participation des deux groupes linguistiques n'est pas équilibrée, puisque les anglophones forment 55,2 p. 100 du personnel de secrétariat, à savoir 32 employés sur 58, et 48 p. 100 des employés de la catégorie Soutien administratif, soit un pourcentage nettement bas. Compte tenu de son mandat, de son public et de son emplacement géographique, le Conseil devrait s'efforcer d'atteindre un meilleur équilibre dans la proportion des francophones et des anglophones employés par son secrétariat.

En 1989, le Conseil n'a fait l'objet d'aucune plainte.

Conseil national de recherches

Depuis notre dernière évaluation en 1982, le Conseil national de recherches a maintenu une qualité de service au public satisfaisante. Cependant, l'organisme éprouve toujours des difficultés en ce qui concerne la langue de travail et la participation équitable des francophones au Québec. De plus, au cours de l'année 1989, le Conseil a manifesté une volonté de faire progresser le programme des langues officielles en dépit d'un contexte difficile de réorganisation majeure. Bref, la *Loi sur les langues officielles* de 1988 n'a eu qu'un effet relatif sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Le Conseil offre généralement des services dans les deux langues officielles dans les régions bilingues et s'efforce d'en offrir dans les régions unilingues, là où se trouvent des laboratoires d'envergure nationale. Toutefois, certains contrôles ne semblent pas être effectués systématiquement. Il serait donc souhaitable que le Conseil questionne ses clients de façon plus régulière sur la qualité de ses services offerts en français.

Du point de vue de la langue de travail, il est indiscutable que le français n'occupe pas la place qui lui revient au Conseil national de recherches. Mentionnons d'abord le fait que 31 p. 100 des surveillants ne satisfont pas aux exigences linguistiques de leur poste. De plus, les exigences linguistiques de 84 p. 100 de ces postes sont de niveau intermédiaire et 3 p. 100 de niveau élémentaire. Cette situation ne favorise pas l'utilisation des deux langues officielles dans ce milieu scientifique. Étant donné qu'aucun relevé ou répertoire n'existe pour le moment concernant la disponibilité des instruments de travail en français, nous encourageons donc le Conseil à procéder à l'identification des instruments de travail de nature scientifique et technologique en vue de se les procurer ou de les faire traduire en français.

Au chapitre de la participation, compte tenu de sa vocation, de sa clientèle et de l'emplacement de ses bureaux, le Conseil a fait des progrès, avec un taux de participation francophone pour l'ensemble de l'organisme se situant à 24 p. 100, ce qui représente une augmentation de 5 p. 100, par rapport à la situation en 1982.

Dans les catégories Scientifique et professionnelle ainsi que Technique, la participation francophone a aussi augmenté de plus de 5 p. 100, se situant en 1989 à 15 et 22 p. 100 respectivement. Par contre, la participation francophone au Québec est faible, soit 71 p. 100 de l'effectif dans cette province. Dans la région de Montréal, la participation francophone n'est que de 58,5 p. 100 des effectifs.

Le Conseil national de recherches a fait l'objet de six plaintes, dont trois portaient sur la presse minoritaire. Le Conseil a apporté toute sa collaboration au traitement de ces dossiers.

Consommation et Corporations

Le ministère de la Consommation et des Corporations poursuit ses efforts pour l'amélioration de la réforme du régime linguistique. L'année 1989 a démarré sous un signe prometteur : le Ministère a signé un protocole d'entente avec le Conseil du Trésor et élaboré une nouvelle politique en matière de langues officielles. En général, cette institution respecte les objectifs linguistiques du gouvernement. Cependant, des lacunes subsistent au niveau du service au public, de la langue de travail et de la participation équitable. Bref, la *Loi sur les langues officielles* de 1988 n'a eu qu'un effet relatif sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Le Ministère offre ses services dans les deux langues officielles. À l'administration centrale, la capacité bilingue du Bureau de la politique de concurrence est un peu faible par rapport à l'ensemble du Ministère. Par contre, un projet-pilote sur la formation linguistique a été instauré dans le but de rehausser les compétences linguistiques des gestionnaires. Le Ministère prend aussi d'autres mesures pour assurer le service dans les deux langues officielles et effectuer des consultations auprès des minorités de langue officielle.

Au chapitre de la langue de travail, il existe encore des difficultés par rapport à la disponibilité en français des instruments de travail et à la communication entre l'administration centrale et la région de Québec. Par contre, dans le cadre du projet-pilote sur la formation linguistique offerte au Bureau de la politique de concurrence, un lexique sera créé et mis à la disposition des employés en vue de les encourager à utiliser le français au travail. Le Ministère attendra les résultats de ce projet avant de l'appliquer à l'ensemble de l'organisme. Toute initiative visant à rehausser l'utilisation du français comme langue de travail est la bienvenue.

Cette année encore le taux de participation anglophone (63,3 p. 100) au Ministère est faible compte tenu de son mandat, de sa clientèle et de l'emplacement de ses bureaux. Il demeure faible dans les catégories Soutien administratif (51,6 p. 100) et Administration et service extérieur (60,6 p. 100). De plus, le taux de participation anglophone est toujours très faible au Québec (5,3 p. 100). On note cependant

une légère augmentation dans la catégorie Gestion en matière de participation francophone qui est maintenant de 23,3 p. 100.

Dans un domaine connexe, mentionnons que nous recevons un nombre croissant de plaintes concernant le manque de bilinguisme dans l'étiquetage des produits de consommation. Le problème est d'autant plus sérieux qu'il pourrait porter atteinte à la santé et à la sécurité du public canadien. En vertu de l'article 26 de la Loi de 1988, il incombe aux institutions fédérales qui réglementent les activités de tiers en matière de santé ou de sécurité de veiller à ce que le public reçoive les services dans les deux langues officielles. Nous encourageons le Ministère à poursuivre ses efforts, de concert avec les autres ministères qui partagent une responsabilité à l'égard du public consommateur, en vue de renforcer les mesures concernant l'étiquetage de produits de consommation, étant donné l'incidence du bilinguisme sur la santé et la sécurité du public.

Des 30 plaintes fondées impliquant Consommation et Corporations que nous avons instruites cette année ou qui sont encore à l'étude, comparativement à six en 1988, 24 d'entre elles avaient trait à l'étiquetage des produits de consommation et six au service au public. Par ailleurs, 30 autres plaintes se sont avérées non fondées après enquête. Dans tous les cas, le Ministère a fait preuve d'une bonne collaboration dans le traitement de ces dossiers.

Contrôleur général

En 1989, le Bureau du Contrôleur général a continué d'offrir au public ainsi qu'aux fonctionnaires fédéraux des services bilingues généralement de bonne qualité. Par contre, les problèmes soulignés dans nos rapports précédents, qui portaient sur l'utilisation insuffisante du français en tant que langue de travail et sur les disparités entre les taux de participation, subsistent. Bref, la *Loi sur les langues officielles* de 1988 n'a eu qu'un effet relatif sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Le Bureau du Contrôleur général a peu de contacts avec le grand public, et sa clientèle se compose principalement de gens qui s'enquièrent de la gestion financière fédérale. Les échanges avec les clients se font dans la langue officielle appropriée. De même, les publications d'intérêt général sont disponibles dans les deux langues officielles.

En matière de langue de travail, le Bureau reconnaît qu'à titre d'agence centrale, il doit traiter avec les employés des autres institutions dans la langue officielle de leur choix. Les services qu'il offre aux fonctionnaires fédéraux le sont généralement dans les deux langues, à l'exception de certains ateliers et de certaines présentations où le français n'est pas suffisamment utilisé. Le taux de titulaires qui ne satisfont pas aux exigences de leur poste est passé de 15,8 p. 100 l'an dernier à 30,3 p. 100 (30 sur 99) cette année. Inquiétante à prime abord, cette

augmentation résulte en grande partie du fait que le Bureau a décidé en décembre 1987 de rehausser le profil linguistique de certains postes de Gestion de sorte que 40 p. 100 d'entre eux exigeraient le niveau supérieur en 1991. Le Bureau devra donc suivre de très près cette situation afin d'augmenter sa capacité de traiter avec d'autres institutions fédérales dans les deux langues officielles.

Au sein même du Bureau, le français n'occupe toujours pas la place qui lui revient. À ce sujet, nous notons que 31,1 p. 100 (14 sur 45) des titulaires de poste bilingue dans la catégorie Gestion et 32,4 p. 100 (12 sur 37) des titulaires de poste de surveillant bilingue ne répondent pas aux exigences linguistiques de leur poste.

Le faible taux de participation des francophones au poste d'agent est également un facteur qui vient amenuiser l'utilisation du français en milieu de travail. En effet, il n'y a plus que 17 francophones (17,2 p. 100) parmi les 99 employés occupant des postes dans les catégories Gestion, Scientifique et professionnelle et Administration et service extérieur. En 1988, leur taux de participation à ces catégories était de 23,5 p. 100 (24 sur 102). De plus, le taux de participation anglophone à la catégorie Soutien administratif a diminué considérablement : il est passé de 57,7 p. 100 (15 sur 26) en 1988 à 37,5 p. 100 (6 sur 16) en 1989. Compte tenu de son mandat, de son emplacement et de la clientèle desservie, le Bureau devra prendre les mesures nécessaires pour rectifier cette situation dans les meilleurs délais.

Nous n'avons reçu aucune plainte mettant en cause le Bureau depuis 1985. Par ailleurs, cet organisme a signé un protocole d'entente avec le Conseil du Trésor en matière de langues officielles au cours de 1989.

Défense nationale *

Le ministère de la Défense nationale éprouve toujours de sérieuses difficultés dans la mise en œuvre des objectifs relatifs aux langues officielles. En ce qui a trait au service au public et à la participation équitable des deux groupes linguistiques, certains progrès ont été réalisés, mais les principaux problèmes systémiques perdurent. Sur le plan de la langue de travail, le français n'a toujours pas la place qui lui revient au sein de cet organisme. Par ailleurs, en intégrant les langues officielles à ses opérations régulières, le Ministère améliorera probablement la planification et la gestion de son programme. Bref, la *Loi sur les langues officielles* de 1988 n'a eu qu'un effet relatif sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Au chapitre de la langue de service, les Forces armées canadiennes nous paraissent mal équipées, du point de vue linguistique, pour faire face à leurs responsabilités dans ce domaine. En effet, elles ne comptent que 537 postes militaires bilingues pour le service au public sur quelque 16 987 postes bilingues dans

l'ensemble des Forces canadiennes. Des 537 postes, 491 sont occupés et seulement 147 (29,9 p. 100) des titulaires satisfont aux exigences. Il nous paraît évident que les Forces canadiennes sous-estiment le nombre de postes militaires bilingues requis pour servir leur public. Par contre, au Ministère, 2 022 (76,9 p. 100) des 2 631 postes civils requérant des compétences bilingues sont occupés par des employés satisfaisant aux exigences linguistiques établies.

Quelques réalisations méritent cependant d'être mentionnées cette année. Notons entre autres la création d'un cours de formation sur l'offre active de service dans les deux langues officielles, et la mise sur pied de mesures de contrôles concernant l'accueil téléphonique bilingue, mesures qui ont contribué à faire augmenter le taux d'offre active de 20 p. 100 en début d'année à 88 p. 100 à l'automne.

Le problème de la langue de travail continue d'être la faiblesse principale du Ministère et des Forces armées canadiennes. Depuis le dépôt de notre rapport au Gouverneur en conseil sur la langue de travail au Quartier général en janvier 1987, le Ministère et les Forces armées continuent d'éprouver des difficultés dans les domaines identifiés comme représentant une obstruction systémique à l'utilisation du français au travail, soit les documents techniques unilingues anglais, les cours de formation militaire dispensés uniquement en anglais et la nomination de personnel unilingue à des postes bilingues.

En ce qui concerne les documents techniques unilingues, la traduction de la documentation technique accuse toujours du retard. Il y a du retard par rapport à l'échéance fixée, mais on a produit en 1989 le triple des documents qui avaient été traduits au cours des quatre années précédentes (30 000 pages par rapport à 10 000). Si l'on en juge par les objectifs visés, il resterait encore près de 300 000 pages à traduire d'ici 1994.

Nous affirmions l'an dernier que le programme de formation des militaires francophones, connu alors sous le nom de Francotrain, s'était avéré un échec et servait plutôt à aider les francophones à réussir leur formation militaire en anglais. Les Forces canadiennes ont déployé certains efforts cette année en vue de résoudre les problèmes que nous avions soulevés, notamment en rebaptisant le programme sous le nom d'Instruction dans la langue de choix, et en offrant une plus grande variété de cours en français. Il reste cependant encore beaucoup à faire puisqu'en 1988-1989, seulement 136 des 1 473 cours militaires ont été offerts en français.

Sur le plan de la nomination de personnel militaire unilingue à des postes bilingues, bien qu'il ait fait des progrès en ce domaine cette année, le Ministère compte encore plus de 72 p. 100 de postes militaires bilingues qui ne sont pas comblés par des titulaires satisfaisant aux exigences linguistiques.

Nous avons noté quelques progrès dans le domaine de la langue de travail cette année. Le Ministère a élaboré un programme de formation linguistique

directement relié à la terminologie utilisée au travail cette année. Ainsi, par exemple, dans le domaine de la santé, les employés du Centre médical de la Défense nationale ont accès à une formation linguistique basée sur la terminologie spécialisée qu'ils utilisent au travail.

Pour ce qui est de la participation globale, compte tenu de son mandat, de sa clientèle et de l'emplacement de ses bureaux, la répartition des francophones et des anglophones est assez équilibrée chez les militaires (27,2 p. 100 de francophones et 72,8 p. 100 d'anglophones), mais moins équitable chez les civils (20,1 p. 100 de francophones et 79,2 p. 100 d'anglophones). Nous notons cependant des disparités majeures au niveau de la participation francophone dans les catégories Gestion (13,4 p. 100) et Exploitation (17,1 p. 100) chez les civils. Chez les militaires, aux grades de généraux, les francophones ont atteint le seuil des 25 p. 100. Toutefois, le faible taux de participation des francophones aux grades de lieutenant-colonel (13,8 p. 100) et de colonel (13,9 p. 100) nous laisse prévoir une absence de relève suffisante pour combler les futurs postes de généraux. Cette situation, en plus de la faible participation francophone à la catégorie Gestion du Ministère, nous pousse à nous interroger sur les chances égales d'avancement des francophones au sein du Ministère et des Forces armées canadiennes.

En vue d'assurer la relance de son programme des langues officielles, le ministère de la Défense nationale a élaboré cette année un nouveau plan des langues officielles. Ce plan vise à rationaliser la mise en œuvre du programme à travers toutes les opérations du Ministère et des Forces armées canadiennes et pose avec plus de clarté le principe d'imputabilité des gestionnaires et des commandants. Un plan demeure un projet tant qu'il n'a pas pris la forme d'actions concrètes. C'est pourquoi nous exhortons les responsables du Ministère à faire en sorte que la mise en œuvre de ce plan s'effectue avec toute la détermination et la rigueur qui s'imposent.

À sa comparution devant le Comité mixte permanent de la Chambre des communes et du Sénat des langues officielles, le Ministre de la Défense nationale a signalé les obstacles et les défis auxquels le Ministère et les Forces canadiennes doivent faire face, notamment en ce qui a trait à la grande mobilité des membres des Forces canadiennes. Les sénateurs et députés siégeant au Comité n'ont pas manqué de faire valoir au Ministre leurs préoccupations croissantes face à la mise en œuvre du programme des langues officielles. Ils ont obtenu de ce dernier un engagement ferme de poursuivre le cheminement déjà amorcé vers l'égalité de statut des deux langues officielles au sein des Forces canadiennes et du ministère de la Défense nationale.

Le Ministère a fait l'objet de 100 plaintes en 1989 comparativement à 74 en 1988. De ces plaintes, 49 portaient sur divers aspects de la langue de travail dont la désignation linguistique de postes civils (16) et l'absence de cours de formation en français (11). Au chapitre de la langue de service, nous avons reçu 50 plaintes

dont 17 portaient sur l'absence d'annonces dans la presse minoritaire et neuf sur l'accueil téléphonique. Finalement, une avait trait à la participation équitable.

Emploi et Immigration *

La Commission de l'Emploi et de l'Immigration demeure l'un des principaux organismes fournissant des services dans les deux langues officielles à un public diversifié et disséminé. Toutefois, en dépit des mesures importantes prises après l'adoption de la *Loi sur les langues officielles* de 1988, un certain nombre de problèmes subsistent. Des dispositions devront être prises pour accroître le nombre de bureaux désignés comme présentant une demande importante, compte tenu des statistiques de la Commission sur la demande réelle de service et des exigences de la Loi. Les employés doivent être informés davantage des répercussions de la Loi sur leurs droits et responsabilités. Les surveillants doivent continuer d'augmenter leur capacité d'utiliser leur deuxième langue officielle. Enfin, des progrès doivent être réalisés relativement au problème permanent de la faible participation des anglophones au Québec. L'un des nombreux aspects positifs qu'il convient de mentionner concerne l'Alberta, où le niveau de bilinguisme, la participation des francophones et l'administration du programme des langues officielles ont progressé. Bref, la Loi de 1988 a eu quelques effets sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Dans l'ensemble, la plupart des employés de la Commission qui ont des rapports avec le public connaissent leur responsabilité et savent qu'ils doivent offrir des services dans la langue officielle du client. Des séances d'information ont été tenues pour bien faire comprendre aux employés la nécessité d'offrir activement leurs services dans les deux langues officielles. Certains problèmes existent, comme le démontrent les quelque 120 plaintes reçues à ce sujet en 1989. Ces plaintes, réparties également dans tout le pays, touchaient principalement la faiblesse des services bilingues fournis au téléphone ou en personne. Il convient de souligner l'ouverture d'un centre de services dans la région de Halifax-Dartmouth, qui offre la gamme complète des services dans les deux langues officielles, une mesure que nous avions recommandée et qui a pu être prise grâce au concours de la collectivité francophone locale.

Bien que ses statistiques indiquent la nécessité d'élargir sa définition de « demande importante », la Commission n'a pas pris de mesures concrètes pour augmenter le nombre de bureaux nécessaires pour offrir ses services dans les deux langues officielles. Les plaintes reçues indiquent la nécessité de revoir la politique en ce qui a trait, par exemple, aux collectivités du nord-est et du sud-ouest de l'Ontario, de l'Île-du-Prince-Édouard et de la région de Val-d'Or (Québec). Bien qu'il existe un certain niveau de compétence bilingue dans les centres d'emploi de ces régions, le fait de désigner certains des bureaux comme ayant une demande importante contribuerait à y maintenir un niveau de bilinguisme approprié et constant.

Des 24 285 employés de la Commission, 6 109 (25,2 p. 100) occupent des postes bilingues et 5 333 (87,3 p. 100) ont la compétence linguistique requise. Dans la région de l'Alberta, on a noté une amélioration substantielle du niveau de bilinguisme. En 1988, 26 employés sur 80 (32,5 p. 100) ne répondaient pas aux exigences linguistiques de leur poste mais actuellement tous y répondent, soit 92. Cette amélioration découle d'un meilleur accès à la formation linguistique et aux occasions de maintien de l'acquis, ainsi que des efforts qui ont été faits pour recruter un personnel bilingue qualifié. Au Manitoba, 26 des 77 (33,8 p. 100) titulaires de postes bilingues ne répondent pas aux exigences linguistiques de leur poste.

Dans l'ensemble, on note une augmentation de 20 p. 100 de la capacité fonctionnelle dans la deuxième langue officielle des surveillants. À l'administration centrale, les postes bilingues de surveillance passent progressivement au niveau de compétence linguistique supérieur. La mise à jour du lexique en trois volumes de la Commission est en cours et un groupe de travail a été établi pour appuyer l'utilisation du français dans la technologie de l'information. Dans la région du Québec, une étude de la distribution des documents de travail dans les deux langues officielles a montré la nécessité d'accroître les ressources consacrées à la traduction.

Le taux de participation globale des deux groupes linguistiques n'a pas beaucoup changé au cours des trois dernières années. Les employés anglophones constituent 66 p. 100 de l'ensemble du personnel, et les francophones 34 p. 100. Les statistiques sont toutefois faussées par la participation particulièrement faible des anglophones dans les bureaux du Québec de la Commission. Nous signalons encore la faible augmentation du nombre d'anglophones au Québec (164 en 1988, 191 cette année). Ceux-ci ne forment que 3 p. 100 des 6 367 employés de cette région, même si les responsables régionaux font tout pour régler ce problème, selon la Commission. La situation s'avère inacceptable au regard des exigences de la Loi relatives à la participation équitable, compte tenu du mandat, de l'emplacement des bureaux et de la clientèle desservie. La comparaison avec l'Alberta est intéressante, la proportion de francophones atteignant 2,4 p. 100 dans cette province et répondant ainsi aux exigences de la Loi relatives à la participation équitable.

La Commission doit terminer la révision de ses politiques et procédures afin de tenir compte de la Loi et de pouvoir informer ses employés, à tous les niveaux hiérarchiques, de leur signification pratique. Elle a présenté son premier rapport annuel au Conseil du Trésor sur les progrès accomplis en vue de réaliser les engagements pris dans la lettre d'entente portant sur divers aspects du programme. Au plan régional, le programme des langues officielles en Alberta a repris de la vigueur grâce à l'appui des cadres supérieurs. Cela a permis d'accroître les contacts entre le coordonnateur des langues officielles, les gestionnaires et les employés afin d'expliquer les droits et responsabilités de chacun. Un

dialogue accru avec les collectivités de langue officielle minoritaire et l'accès à la formation linguistique pour les employés titulaires de postes bilingues sont au nombre des retombées positives enregistrées.

Nous avons reçu 141 plaintes cette année, comparativement à 114 en 1988 et à 137 en 1987. Cent vingt de ces plaintes portaient sur la langue de service, ce qui reflète bien la nature décentralisée de cet organisme. Trente-sept cas concernaient des rencontres en personne, 31 des conversations téléphoniques, 13 des communications écrites et neuf touchaient à la qualité du français de la traduction informatisée de cartes d'emploi des centres de main-d'œuvre, problème qui avait été souligné l'an dernier et qui n'est toujours pas résolu. Les 30 autres plaintes concernaient les affiches, les formulaires, les messages enregistrés et les publications. Seulement cinq portaient sur la langue de travail.

Énergie atomique du Canada Limitée

Depuis notre dernière évaluation en 1984, Énergie atomique du Canada Limitée a su maintenir un niveau approprié de service au public dans les deux langues officielles. Cependant, des problèmes persistent quant à la langue de travail et à la participation équitable. Bref, la *Loi sur les langues officielles* de 1988 a eu peu d'effet sur la mise en œuvre du programme des langues officielles au sein de cette institution.

En matière de service au public, la société d'État s'assure que l'affichage et la documentation sont bilingues. De plus, au siège social d'Ottawa, ainsi qu'au bureau des Opérations CANDU de Montréal et aux établissements de recherche, on préconise l'offre active des services dans les deux langues officielles. La Société de recherche se distingue par ses visites guidées et sa documentation bilingues.

Cependant, de sérieux problèmes systémiques font que le français est toujours très peu utilisé comme langue de travail dans le domaine de la recherche nucléaire. La compétence bilingue des surveillants est nettement insuffisante. À ces situations plutôt difficiles, il faut ajouter le fait que la plupart des logiciels, devenus des instruments de travail de premier ordre, ne sont disponibles qu'en anglais. Dans un tel contexte, le français trouve difficilement la place qui lui revient.

Du point de vue de la participation équitable, la situation est inacceptable : la participation francophone se situe toujours à 6 p. 100. Au siège social, le Comité de gestion ne comptait aucun membre francophone en 1989. Quant aux établissements de recherche, on ne trouve qu'un seul francophone parmi les 13 membres de la gestion. Les nominations par arrêté en Conseil reflètent la tendance générale : un francophone (7,7 p. 100) sur 13 nominations. En 1989, le taux de recrutement des francophones s'établissait à 11,8 p. 100 (29 sur 245).

En 1989, la Société a fait l'objet d'une seule plainte se rapportant à des inscriptions unilingues anglaises dans l'annuaire téléphonique de Montréal.

Énergie, Mines et Ressources

De façon générale, le ministère de l'Énergie, des Mines et des Ressources continue d'offrir, depuis 1988, la même qualité de service au public. Le français ne jouit pas du statut qui lui revient en tant que langue de travail, mais le Ministère a fait quelques progrès, au cours de la dernière année, en matière de participation équitable. Bref, la *Loi sur les langues officielles* de 1988 n'a eu qu'un effet relatif sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Le Ministère a continué d'utiliser des cartes-réponses pour obtenir l'opinion de ses clients sur la fréquence et la qualité des services bilingues qu'il offre, et a consulté une association minoritaire afin de déterminer les moyens permettant d'atteindre des objectifs mutuels. De plus, le Ministère a mis en service un numéro de téléphone sans frais afin de fournir des renseignements au public au sujet de certains de ses programmes. Cette initiative revêt une importance particulière, car certains des programmes du Ministère sont transférés à l'administration centrale. Enfin, il est inquiétant de constater que la capacité bilingue du Ministère a diminué de 8,5 p. 100 cette année par rapport à l'année dernière.

Au chapitre de la langue de travail, le français n'est toujours pas sur un pied d'égalité avec l'anglais. Premièrement, à la suite d'examens linguistiques, le nombre de surveillants satisfaisant aux exigences linguistiques de leur poste a baissé de 9 p. 100 et se situe maintenant à 63,2 p. 100. Deuxièmement, dans les domaines spécialisés, les systèmes informatiques ne sont pas encore offerts en français. Cette année encore, nous avons reçu des plaintes au sujet du manque d'outils de travail bilingues et du fait que le français est peu utilisé pendant les réunions. Le Ministère est conscient de ces problèmes et a pris des dispositions pour les régler en participant à une étude visant à déterminer les facteurs qui contribuent ou nuisent à la création d'un milieu de travail bilingue.

Compte tenu de son mandat, du public desservi et de l'emplacement de ses bureaux, le taux de participation francophone global de 26,1 p. 100 est équitable. Le nombre de francophones s'est accru dans les catégories Gestion (de 18,5 p. 100 à 20,4 p. 100) et Scientifique et professionnelle (de 16,4 p. 100 à 17,5 p. 100) au cours de la dernière année. Nous pouvons féliciter le Ministère pour ses efforts dans ce domaine. Cependant, le taux de participation anglophone au Québec est encore faible (3,6 p. 100, soit une baisse de 0,9 p. 100 depuis 1988). Il faudra que ce problème soit bientôt réglé afin qu'il y ait partout, au sein du Ministère, un taux de participation équitable.

Nous avons reçu 16 plaintes concernant le ministère de l'Énergie, des Mines et des Ressources, deux de moins qu'en 1988. Ces plaintes portaient sur le service

au public et la langue de travail. Le Ministère a bien collaboré avec le Commissariat au règlement de ces plaintes.

Environnement*

En 1989, le ministère de l'Environnement a donné suite à l'exercice intensif de planification effectué l'an dernier. En effet, il a signé un protocole d'entente avec le Conseil du Trésor, a procédé à la révision de ses politiques et a institué un Comité directeur en matière de langues officielles. En ce qui a trait au service au public, certaines réalisations ont compensé le nombre croissant de plaintes concernant les parcs. Parallèlement, malgré certaines initiatives heureuses, des difficultés persistent en matière de langue de travail. Au chapitre de la participation des deux collectivités de langue officielle, la situation globale demeure satisfaisante, mais les irrégularités perdurent au niveau régional de même qu'au sein de certaines catégories d'emploi. Bref, la *Loi sur les langues officielles* de 1988 a eu une certaine portée sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Au nombre des réalisations dans le domaine du service au public, soulignons que le Ministère a effectué un sondage sur l'offre active, l'importance de la demande et la disponibilité des services bilingues à tous ses bureaux. Ce sondage, de même que le visionnement de la vidéocassette réalisée par le Conseil du Trésor en matière d'offre active, avait pour but de sensibiliser les employés au droit du public d'être servi dans la langue officielle de son choix. De plus, le Service de l'environnement atmosphérique a pris les mesures requises pour corriger les irrégularités signalées dans notre rapport de l'an dernier concernant le service téléphonique aux bureaux de Sault Ste-Marie et de North Bay. Des services téléphoniques de qualité égale sont maintenant disponibles en français et en anglais dans ces deux villes.

Pour leur part, les parcs de l'Ouest se sont donné un plan d'action afin de combler certaines lacunes. À titre d'exemples, mentionnons la désignation d'un guichet bilingue à l'entrée est du parc de Banff et la nomination de préposés bilingues aux divers secteurs des parcs, qui entretiennent des contacts réguliers avec les visiteurs.

Comme par le passé, le français est peu utilisé comme langue de travail dans les régions désignées à l'extérieur du Québec. Cette situation s'explique en grande partie par le fait qu'un faible pourcentage (15,3 p. 100) de surveillants bilingues ont une compétence évaluée au niveau supérieur, ce qui tend à décourager les employés francophones de ces régions d'utiliser leur langue au travail. Signalons cependant que certains services ont pris des dispositions afin d'accroître l'utilisation du français en milieu de travail, telles que l'utilisation des deux langues au cours de réunions, la disponibilité de documentation bilingue et l'emploi du français dans les domaines scientifiques reliés à l'environnement.

La participation globale des deux groupes linguistiques, qui est demeurée sensiblement la même que l'an dernier, est relativement bien équilibrée, compte tenu du fait que le Ministère est fortement décentralisé et qu'un bon nombre de ses employés se trouvent dans des régions unilingues du pays. Le Ministère compte 1 897 francophones (20 p. 100) et 7 568 anglophones (80 p. 100). Le taux de participation des employés francophones demeure très satisfaisant dans les catégories Administration et service extérieur (27,6 p. 100) et Soutien administratif (30,2 p. 100), étant donné l'emplacement de ses bureaux, de son mandat et du public desservi. Par contre, elle reste faible dans les catégories Gestion (17,5 p. 100) et Scientifique et professionnelle (18,4 p. 100). Au niveau régional, on retrouve les irrégularités notées en 1988 : le Ministère n'emploie que 26,6 p. 100 de francophones au Nouveau-Brunswick et la participation des anglophones au Québec, malgré une légère progression (de 0,8 p. 100 pour se situer à 8,2 p. 100), demeure toujours faible.

Des 54 plaintes reçues cette année (trois de moins qu'en 1988), 52 avaient trait au service au public. Parmi celles-ci, 20 mettaient en cause le service en personne dans les parcs. Les autres plaintes concernaient l'affichage, la documentation et les services téléphoniques. De façon générale, la collaboration du Ministère au règlement des plaintes a été satisfaisante.

Finances

Le ministère des Finances s'acquitte généralement bien de ses responsabilités en matière de service au public. Il subsiste cependant depuis de nombreuses années des lacunes majeures au chapitre de la langue de travail et à celui de la participation des deux collectivités de langue officielle au sein de certaines catégories d'emploi, notamment celle de la gestion. Bref, la *Loi sur les langues officielles* de 1988 a eu peu d'effet sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Comme par le passé, le Ministère a continué d'offrir aux membres du grand public des services dans les deux langues officielles qui, dans l'ensemble, sont de bonne qualité. Il est à noter toutefois que l'organisme n'entretient que des contacts limités avec le grand public et que sa clientèle se compose principalement des médias, des gouvernements provinciaux et étrangers ainsi que des grandes sociétés financières. L'accueil téléphonique, à quelques exceptions près, se fait dans les deux langues, et la correspondance ainsi que les publications sont acheminées aux clients dans la langue officielle de leur choix. Nous tenons également à souligner l'excellent travail dont fait preuve le Ministère dans la production, dans les deux langues officielles, des documents concernant le budget du gouvernement.

En matière de langue de travail, l'organisme fait face à plusieurs problèmes : beaucoup de cadres ne sont pas au courant de leurs responsabilités dans ce domaine, une proportion élevée de réunions internes se tiennent en anglais

seulement, un grand nombre des instruments de travail informatisés ne sont disponibles qu'en anglais, et la prédominance de l'anglais comme langue d'échanges dans les milieux financiers incite les employés francophones à travailler en anglais. Par ailleurs, le nombre élevé de postes réversibles (postes que pourraient occuper indifféremment des employés unilingues de l'une ou l'autre collectivité linguistique) nous semble peu réaliste compte tenu du peu de place qu'occupe le français comme langue de travail. À notre avis, le Ministère se doit de mettre en œuvre dans les meilleurs délais les mesures requises afin d'accorder au français la place qui lui revient en milieu de travail.

En 1989, il y avait 140 francophones (24,6 p. 100) parmi les 569 employés du Ministère. Si le taux de participation des francophones à l'effectif global semble satisfaisant, il est tout à fait inacceptable dans la catégorie Gestion où leur nombre s'établit à 5 sur 75 (6,7 p. 100). Par contre, dans la catégorie Soutien administratif, les anglophones forment seulement 46,6 p. 100 du groupe (55 sur 118). Le Ministère devra prendre les moyens appropriés pour mettre en œuvre les dispositions de la Loi de 1988 traitant de la participation équilibrée des deux groupes linguistiques.

Nous avons reçu cette année deux plaintes mettant en cause le Ministère. Une touchait le service téléphonique ; l'autre, les exigences linguistiques d'un poste faisant l'objet d'un concours. Les deux plaintes furent réglées de façon satisfaisante.

Gendarmerie royale du Canada *

La Gendarmerie royale du Canada (GRC) devrait modifier ses politiques et pratiques afin de les rendre davantage conformes aux dispositions de la *Loi sur les langues officielles* de 1988. Bien qu'elle ait réalisé des progrès sur le plan de la participation équitable des francophones et des anglophones, la GRC devra s'efforcer de mieux servir le public dans les deux langues et de veiller à ce que le français et l'anglais aient un statut égal en milieu de travail. Bref, la Loi de 1988 n'a eu que peu d'effet sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Étant donné le nombre et la nature des plaintes que nous avons reçues cette année du public au sujet de ses services, la GRC devrait s'assurer d'un degré de bilinguisme suffisant partout où la demande est importante. En 1989, il nous a été signalé que 23 p. 100 de ses 17 072 membres sont bilingues, soit une hausse marginale par rapport à 1988. Cependant, comme les deux tiers seulement de ces membres ont des résultats valides de tests d'évaluation de langue seconde, il n'est pas possible de déterminer avec exactitude le nombre réel de membres qui ont présentement la compétence linguistique voulue.

En ce qui concerne les fonctionnaires au service de la GRC, 23,7 p. 100 (773 sur 3 260) occupent des postes bilingues, soit une légère augmentation par rapport au

22 p. 100 de 1988. Cependant, près de 21 p. 100 de ces titulaires ne satisfont pas aux exigences linguistiques de leur poste.

Le français n'occupe pas la place qui lui revient en tant que langue de travail à la GRC. Nous avons constaté qu'à peine 56,6 p. 100 (467 sur 825) des titulaires de postes de surveillance désignés bilingues satisferaient aux exigences linguistiques. Quant à la compétence en langue seconde des autres titulaires, elle est soit inconnue, soit insuffisante. Il convient de combler ces lacunes sans plus tarder. Par ailleurs, la GRC devrait se pencher sur la situation à la Direction du personnel, à l'administration centrale, où le français est loin de jouir d'un statut équitable en milieu de travail. En fait, cet organisme devrait envisager sérieusement la tenue d'un sondage sur la langue de travail dans l'ensemble de l'administration centrale, car, à en juger par les plaintes que nous avons reçues cette année, des obstacles systémiques entravent l'usage des deux langues officielles.

Dans un même ordre d'idées, la GRC n'a pas tenu compte des inquiétudes dont nous lui avons fait part l'an dernier quant à l'effet préjudiciable du système de l'effectif de service bilingue sur la langue de travail dans les régions bilingues. À l'origine, ce système avait pour but d'assurer la présence d'un personnel bilingue suffisant pour servir le public dans les régions unilingues. Il a par la suite été étendu par la GRC aux régions bilingues sans tenir compte des obligations que lui impose la Loi en matière de langue de travail. Par conséquent, certains employés doivent s'adresser ailleurs pour obtenir les instructions voulues dans les cas où leurs surveillants sont incapables de communiquer avec eux dans la langue de leur choix. Nous attendons le rapport que la GRC doit présenter au Secrétariat du Conseil du Trésor sur l'application de ce système aux régions bilingues.

La GRC s'est fixée, comme objectif à long terme, d'élever à 20,8 p. 100 la proportion de francophones parmi ses membres. Cet objectif est acceptable, étant donné son mandat, l'emplacement de ses bureaux et le public qu'elle dessert. Elle se rapproche de son objectif, le taux de francophones étant passé de 17,8 p. 100 en 1988 à 18,2 p. 100 en 1989. Cette amélioration est attribuable, en grande partie, au fait que 25 p. 100 des membres réguliers qui ont été recrutés cette année étaient francophones. La GRC devrait poursuivre dans cette veine, car les postes de membres réguliers constituent 82 p. 100 de l'ensemble de son effectif. Elle devrait, par ailleurs, tenter d'établir un meilleur équilibre à la Division « A », qui dessert la région de la capitale nationale et sa périphérie. Seulement 31 p. 100 (249 sur 806) des membres de la Division « A » sont anglophones. Le nombre de fonctionnaires à la GRC s'élève à 3 260 en 1989, dont 20 p. 100 sont francophones, ce qui représente une légère hausse par rapport à l'an dernier.

Nous avons reçu 48 plaintes contre la GRC en 1989 ; une hausse importante comparativement à 32 l'année dernière. Un peu plus de la moitié avaient trait au service au public. L'accueil au téléphone et en personne, principal sujet de

préoccupation, a suscité 19 plaintes. Les employés de la GRC, pour leur part, ont logé 15 plaintes relatives à la langue de travail ; la plupart provenaient du Nouveau-Brunswick et de la région de la capitale nationale. Plusieurs plaignants contestaient les exigences linguistiques lors de la dotation de certains postes. De façon générale, la GRC a été lente à donner suite aux plaintes en 1989.

Industrie, Sciences et Technologie Canada

Le récent regroupement du ministère de l'Expansion industrielle régionale et du ministère d'État des Sciences et de la Technologie en un ministère, Industrie, Sciences et Technologie, a eu des répercussions sur la situation des langues officielles. Comparativement à l'an dernier, le programme des langues officielles est beaucoup moins en évidence, en raison de l'élimination des objectifs linguistiques des plans opérationnels. En dépit de certaines améliorations, on note toujours les mêmes problèmes concernant le service au public, la langue de travail et la participation équitable. Bref, la *Loi sur les langues officielles* de 1988 a eu peu d'effet sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Le Ministère assure l'offre active de services bilingues dans presque toutes les provinces, au téléphone et en personne, mais cette année encore on signale certains problèmes dans les régions de l'Ouest et de l'Atlantique. Les employés du Ministère qui doivent servir le public, que ce soit en personne ou par correspondance, ont un niveau de bilinguisme suffisant. Cependant, comme nous en faisions la remarque l'année dernière dans notre évaluation du Ministère de l'Expansion industrielle régionale, les représentants du Ministère auraient avantage à consulter les associations minoritaires pour connaître leurs besoins et en tenir compte dans le développement régional, ce qui répondrait aux exigences de la Loi.

Au chapitre de la langue de travail, le personnel des services administratifs et financiers possède un niveau de bilinguisme satisfaisant. Ces services comportent en effet de nombreux postes bilingues, et leurs titulaires répondent aux exigences linguistiques de leur poste. Les manuels, les circulaires de gestion et les notes de service paraissent dans les deux langues. Certaines faiblesses persistent cependant dans le domaine des services informatiques. Par exemple, deux des fichiers centraux (finances et ressources humaines) sont toujours unilingues anglais et la majorité des logiciels des 1 800 micro-ordinateurs du Ministère sont également unilingues anglais. Le Ministère a pourtant élaboré une bonne politique linguistique pour l'achat et l'élaboration du matériel informatique, mais ne l'a pas encore mise en œuvre. L'étude exhaustive sur la bilinguisation des systèmes informatiques, dont nous faisions état dans notre dernier Rapport annuel, n'a toujours pas été effectuée. Par ailleurs, plusieurs ateliers préparés par le secrétariat du développement organisationnel ont été présentés en anglais, plutôt que dans les deux langues ; ils ont donc servi à renforcer la prépondérance de l'anglais comme langue de travail.

En matière de participation, 1 450 des 2 232 employés (soit 65,0 p. 100) sont anglophones et 782 (soit 35,0 p. 100) sont francophones. Étant donné la concentration de ses bureaux au Québec et en Ontario, son mandat et du public desservi, le taux de participation anglophone est presque équitable. Nous notons par contre certaines anomalies régionales et sectorielles. Tout d'abord, il n'y a que 17 anglophones sur 285 (6 p. 100) au Québec et, au Nouveau-Brunswick, l'on compte 17 anglophones sur 36 (ou 47,2 p. 100) à la suite de la création de l'Agence de promotion économique du Canada atlantique. On note aussi une proportion insuffisante d'anglophones dans la catégorie Soutien administratif (53,8 p. 100).

Nous avons reçu cinq plaintes au cours de l'année, comparativement à sept en 1988. Quatre d'entre elles concernaient l'accueil téléphonique et l'utilisation des médias. Le Ministère a apporté sa collaboration au règlement de tous les dossiers le concernant.

Justice

Le ministère de la Justice a poursuivi en 1989 sa démarche en matière de langues officielles de façon efficace et énergique. Il a en outre augmenté sa forte capacité bilingue. Ainsi, il se trouve bien outillé pour répondre aux besoins linguistiques des ministères qu'il dessert et promouvoir l'utilisation des deux langues officielles en milieu de travail. Cependant, il faut souligner que le Ministère n'a réalisé aucun progrès important dans la réduction de certains écarts de participation notés ces dernières années entre les deux groupes linguistiques. Bref, la *Loi sur les langues officielles* de 1988 a eu un effet tangible sur la mise en œuvre du programme des langues officielles au sein du ministère de la Justice.

Même si le Ministère a relativement peu de contacts directs avec le grand public, il offre néanmoins activement ses services dans les deux langues officielles. À la suite d'un sondage récent ayant révélé certaines difficultés à offrir un service téléphonique bilingue dans l'Ouest du pays, le Ministère a pris plusieurs mesures visant à corriger la situation. Par exemple, il a offert des cours de recyclage à ses réceptionnistes et mis en place des mécanismes de contrôle.

En tant qu'institution chargée principalement de fournir des services juridiques aux autres ministères et organismes fédéraux, le ministère de la Justice est tenu, aux termes de la Loi, de servir ceux-ci dans la langue de leur choix. À cet égard, la capacité du personnel des Services juridiques ministériels — rattachés à ses ministères clients — de s'exprimer tant en français qu'en anglais s'est de nouveau accrue. Ainsi, il n'y a plus en 1989 qu'un service de contentieux dont la capacité bilingue est inférieure à 30 p. 100, par rapport à quatre l'année dernière. De plus, le nombre de postes bilingues de conseiller juridique est passé de 175 en 1988 à 210 en 1989, dont 86 p. 100 des titulaires satisfont aux exigences linguistiques.

Cette année encore, nous relevons un niveau de bilinguisme très élevé chez les surveillants du Ministère, situation qui favorise l'utilisation équitable des deux langues officielles en tant que langues de travail. En effet, près de 79 p. 100 des titulaires des 183 postes de surveillant répondent aux exigences linguistiques de niveau intermédiaire ou avancé. Les résultats d'un sondage mené auprès des employés du Ministère à l'été de 1989 fourniront un tableau plus complet des autres aspects de la question de la langue de travail, qui influencent l'utilisation du français et de l'anglais dans les opérations journalières de l'organisme.

Depuis plusieurs années déjà, le taux de participation des francophones et des anglophones au sein du Ministère est stable, se situant à 35 p. 100 et 65 p. 100 respectivement. En raison de son mandat, de l'emplacement de ses bureaux et du public desservi, le Ministère devrait poursuivre ses récentes initiatives afin de rehausser son faible taux de participation anglophone. C'est particulièrement dans la catégorie Soutien administratif, où le taux est passé de 59 p. 100 l'année dernière à 57 p. 100 cette année, et dans la catégorie Administration et service extérieur, où il a cependant légèrement augmenté (de 56 p. 100 en 1988 à 59 p. 100 en 1989), que les anglophones sont sous-représentés. Au Québec, leur taux de participation est passé de 7 p. 100 l'an dernier à 5 p. 100 cette année. Cependant, le Ministère a réalisé un bon équilibre dans les catégories Gestion et Scientifique et professionnelle (dont la plupart des employés sont avocats) qui comptent 28 p. 100 de francophones et 72 p. 100 d'anglophones.

En 1989, le Ministère a fait l'objet de cinq plaintes, comparativement à trois en 1988. Deux plaintes concernaient le bureau régional de Montréal — auquel on a reproché son service téléphonique unilingue. Une autre, qui est toujours à l'étude, portait sur une annonce que le Ministère n'a pas fait paraître dans un journal de langue officielle minoritaire, tandis qu'une plainte concernait une publication unilingue anglaise. La cinquième plainte touchait le bordereau d'expédition d'une publication du Ministère, lequel était rédigé uniquement en anglais. Au terme de l'enquête relative à cette plainte, le ministère des Approvisionnements et Services a révisé une partie du manuel dont se servent ses agents préposés à la négociation des marchés. Le ministère de la Justice a prêté sa collaboration à ces enquêtes.

Marine Atlantique *

Au cours de 1989, la société Marine Atlantique s'est dotée d'outils essentiels qui lui permettront d'offrir de meilleurs services bilingues à sa clientèle et de se conformer graduellement aux dispositions de la *Loi sur les langues officielles* de 1988 relatives à l'usage du français et de l'anglais au travail. La participation des deux groupes linguistiques présente toujours des écarts importants, mais la hausse constante du taux de participation des employés d'expression française témoigne des efforts de la Société pour corriger ces déséquilibres. Bref, la *Loi sur les langues officielles* de 1988 a eu un effet tangible sur la mise en œuvre du programme des langues officielles au sein de cette institution.

L'adoption d'une nouvelle politique, inspirée de la Loi de 1988, marque une étape importante en matière de réforme du régime linguistique à Marine Atlantique. Pour la première fois, la Société reconnaît le droit du public d'être servi régulièrement dans la langue officielle de son choix dans les gares maritimes et à bord des bateaux. Les liaisons avec Terre-Neuve font exception à cette ligne de conduite, la Société jugeant que la demande de service en français y est insuffisante en basse saison. En revanche, Marine Atlantique entend nommer du personnel bilingue afin d'assurer la sécurité du public dans les deux langues officielles à longueur d'année à bord de tous ses navires.

Marine Atlantique s'accorde trois ans pour réaliser ses objectifs linguistiques. Les plans d'action qu'elle a élaborés prévoient entre autres la désignation de postes bilingues additionnels — c'est chose faite depuis l'automne en ce qui concerne les services des régions de l'Île-du-Prince-Édouard et de Fundy — et la formation linguistique. Les écriteaux annonçant la disponibilité du service bilingue sont en place ; cependant, nous devons déplorer le fait que cette année le port des épingles identifiant le personnel bilingue n'ait pas connu le succès escompté. D'ailleurs, l'offre active de services bilingues demeure encore trop souvent un concept mal compris des employés, et la Société devra s'employer à améliorer cette situation. Sur une note plus positive, la Société a fait le nécessaire afin de résoudre les problèmes relatifs à l'utilisation de la presse des deux langues officielles. La publicité et les annonces rejoignent maintenant le public francophone et anglophone plus régulièrement, ce dont témoigne le peu de plaintes que nous avons reçues cette année à ce sujet.

Par sa nouvelle politique, Marine Atlantique s'engage à créer un milieu de travail propice à l'usage des deux langues officielles dans ses établissements au Nouveau-Brunswick. Le défi est évidemment de taille, compte tenu de la faible participation des francophones dans l'organisation. Néanmoins, les mesures de soutien indispensables peuvent être mises en place sans plus tarder, d'où la décision de la Société de répertorier et de faire traduire les instruments de travail qui n'existent qu'en anglais, tels que les formulaires, les directives et les manuels d'usage interne. La capacité bilingue de l'effectif d'encadrement et de surveillance, ainsi que celle des services au personnel sera également augmentée. Des cours de langue seconde sont dispensés au siège social, et les employés qui le désirent peuvent obtenir de l'aide en vue de s'inscrire à un programme de formation linguistique en dehors des heures de travail.

Le nombre d'employés francophones dans l'organisation est de 126, soit 4,1 p. 100 de l'effectif global de 3 091. Il s'agit d'une hausse par rapport à l'année dernière, mais il faudra que cette tendance se maintienne afin d'en arriver à un meilleur équilibre des deux groupes linguistiques dans l'organisation, compte tenu du mandat de la Société, de l'emplacement de ses bureaux et du public desservi. Une attention particulière devrait être accordée à la haute direction, qui ne compte toujours qu'un seul francophone. Dans les établissements du

Nouveau-Brunswick, le taux de participation francophone atteint 15,6 p. 100, ce qui est insuffisant, mais n'en représente pas moins une augmentation encourageante de 3 p. 100 depuis 1988.

Un directeur des langues officielles a été embauché à plein temps à la fin de 1988, et cette initiative a manifestement aidé Marine Atlantique à s'engager fermement dans la réforme du régime linguistique. Quoique la mise en œuvre de la politique et des plans d'action en matière de langues officielles soit la responsabilité des gestionnaires, la participation du directeur des langues officielles au Comité de gestion de l'organisme est à même d'influencer les décisions de la direction. Il faut souhaiter qu'il en sera ainsi jusqu'à ce que le programme des langues officielles soit bien en place et fasse partie de la gestion quotidienne de l'entreprise.

Marine Atlantique a fait l'objet de 11 plaintes en 1989, soit 26 de moins qu'en 1988. Six plaintes portaient sur l'absence de service en français dans les gares et trois mettaient en cause le service à bord des traversiers. Les deux dernières faisaient état d'annonces que la Société avait omis de faire paraître dans la presse de langue française. Par rapport aux neuf plaintes de cette nature que nous avions reçues l'an dernier, ces résultats témoignent du progrès accompli en ce qui a trait à l'utilisation de la presse de langues française et anglaise.

Musées nationaux

En 1989, les quatre musées ont continué de faire bonne figure en matière de services au public dans les deux langues officielles. La plupart des employés peuvent travailler dans la langue officielle de leur choix, mises à part quelques sections scientifiques et techniques où il est difficile de travailler en français. Il subsiste, dans les quatre établissements, des déséquilibres sur le plan de la participation. Bref, la *Loi sur les langues officielles* de 1988 n'a eu qu'un effet relatif sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Le **Musée canadien des civilisations** a inauguré son impressionnant nouvel édifice à Hull (Québec), à l'été 1989. Le 31 décembre, il avait accueilli 735 364 visiteurs.

Les services sont activement offerts dans les deux langues officielles, en personne et dans l'affichage. Étant donné que le Musée est situé au Québec, la préséance est accordée au français. Cela s'applique aux écriteaux, aux avis, aux messages diffusés par les haut-parleurs, à l'accueil téléphonique, ainsi qu'à l'accueil général des visiteurs. Dans les trois autres musées, situés en Ontario, la prédominance est accordée à l'anglais.

Sur les 408 postes occupés, 296 (72,5 p. 100) sont désignés bilingues et requièrent au moins le niveau intermédiaire de compétence en langue seconde.

Tous les postes de service au public exigent un niveau supérieur de bilinguisme pour la lecture et l'expression orale.

Les gestionnaires et les employés sont tenus au courant de leurs obligations et de leurs droits en matière de langue de travail. En 1989, tout le personnel a été informé de la politique établie en matière de langues officielles. La dotation des postes de surveillant fait l'objet d'une attention particulière, de façon à y maintenir un degré de bilinguisme supérieur. Les employés peuvent donc rédiger leurs travaux écrits et obtenir leurs évaluations de rendement dans la langue officielle de leur choix. Bien que certains francophones préfèrent travailler en anglais et qu'il soit difficile de trouver du personnel d'expression française dans les domaines scientifiques et techniques, les efforts déployés par le Musée en 1989 pour créer un milieu de travail favorisant l'usage des deux langues ont été en grande partie couronnés de succès.

Cent soixante-trois (40 p. 100) des 408 employés du Musée sont francophones. Compte tenu du fait que le Musée se trouve dans la région de la capitale nationale, la participation des anglophones est particulièrement faible dans les catégories Soutien administratif et Exploitation (39 p. 100 et 46 p. 100 respectivement).

Le Musée a fait l'objet de deux plaintes fondées qui portaient sur certains aspects du service au public. Dans les deux cas, des mesures ont été prises pour redresser la situation.

Le **Musée des beaux-arts du Canada** a accueilli 554 859 visiteurs en 1989. Cet établissement a répondu aux questions du public, dirigé les visiteurs vers les diverses expositions et vendu de grandes quantités de livres et d'affiches dans les deux langues officielles. Près des trois quarts des 215 employés du Musée sont bilingues, dont plus de 40 possèdent le niveau supérieur de compétence linguistique. Cependant, une bonne partie des services offerts par le Musée au public sont fournis soit par des bénévoles, soit par des contractuels travaillant pour des entreprises de sécurité ou de restauration du secteur privé. En 1989, ces deux groupes ont une fois de plus éprouvé certaines difficultés à offrir des services bilingues. En conséquence, les exigences linguistiques figurant dans les contrats de sécurité sont actuellement à l'étude ; les problèmes ont pu être limités, dans la mesure du possible, grâce à un contrôle assez serré.

Les employés peuvent généralement travailler en français ou en anglais, bien que des améliorations puissent encore être apportées à cet égard dans le secteur des services techniques. Sur les 42 gestionnaires qui surveillent des employés occupant des postes bilingues au Musée des beaux-arts du Canada, 35 ont atteint ou dépassé le niveau intermédiaire de bilinguisme, ce qui représente une augmentation de 8 p. 100 par rapport à l'an dernier. Les employés du Musée se sont fait rappeler leur droit d'être surveillés et de recevoir leur évaluation de rendement

dans la langue officielle de leur choix. La Division des services du personnel veille de près à ce que ce droit soit respecté. Les réunions sont généralement bilingues et les instruments de travail, y compris les logiciels informatiques et les manuels, sont également offerts dans les deux langues. Le Musée a eu de la difficulté à trouver des cours de formation en français dans les domaines techniques et en muséologie, et seulement un employé sur six suit des cours de formation et de perfectionnement professionnel en français, même si 37 p. 100 du total des employés se sont déclarés francophones.

Compte tenu de l'emplacement, du mandat et de la clientèle du Musée, le taux de participation des anglophones est faible (136 sur 215 ou 63 p. 100).

Le nombre de plaintes déposées à l'endroit du Musée des beaux-arts du Canada, qui était de 18 en 1988, a été ramené à huit en 1989. Sept plaintes portaient sur divers aspects du service au public, alors qu'une plainte avait trait aux aspects linguistiques de la dotation.

Le **Musée national des sciences naturelles** a fait l'objet d'une réorganisation d'envergure en 1989. Il occupe maintenant la totalité de l'Édifice commémoratif Victoria, la seconde moitié de ce dernier ayant été libérée par le Musée canadien des civilisations. En 1989, le Musée a accueilli 269 218 visiteurs et n'a fait l'objet d'aucune plainte au chapitre des langues officielles.

Le Musée offre activement ses services dans les deux langues officielles à tous ses points de contact avec le public. À cette fin, il utilise largement les macarons et les écriteaux fournis par le Conseil du Trésor, et toutes les publications actuellement offertes au public ont une présentation bilingue. Sur les 229 postes existants, 141 (61,6 p. 100) sont bilingues, et 118 (83,7 p. 100) titulaires satisfont aux exigences linguistiques de leur poste. Des cours de langue en français et en anglais ont été dispensés aux bénévoles du Musée, et des services bilingues au moins de niveau intermédiaire sont offerts en permanence dans toutes les sections. Le nombre de postes exigeant le niveau supérieur de compétence en langue seconde est passé de 21 à 28 en 1989 et, même si le nombre de postes exigeant le niveau inférieur est demeuré à 25, on ne trouve aucun gestionnaire dans cette catégorie, ce qui constitue une nette amélioration par rapport à 1988.

Les employés sont encouragés à travailler dans la langue officielle de leur choix, et beaucoup le font. Cependant, dans les sections comptant de nombreux scientifiques, il est difficile de travailler en français, à cause du faible taux de participation francophone. Bien qu'il existe des possibilités de formation professionnelle en français et en anglais, la plupart des employés de Musée choisissent de suivre des cours en anglais.

Sur les 229 employés, 161 (70,3 p. 100) sont anglophones et 68 (29,7 p. 100) sont francophones, ce qui est acceptable compte tenu du mandat du Musée et du fait

que celui-ci se trouve dans la région de la capitale nationale. Cependant, le problème de longue date de la faible participation des francophones dans la catégorie Scientifique et professionnelle persiste ; seulement 5 des 42 postes (11,9 p. 100) dans cette catégorie sont occupés par des francophones. Inversement, le taux de participation des anglophones dans les catégories Soutien administratif et Exploitation est faible (54 et 56 p. 100 respectivement).

Le Musée fait actuellement le nécessaire pour embaucher sous peu un agent des langues officielles à plein temps, ce qui améliorera sans doute le rendement du Musée en matière linguistique.

Le **Musée national des sciences et de la technologie** sert directement le public en mettant à sa disposition des écriteaux et des explications sur les expositions, en lui offrant des visites guidées et des démonstrations pratiques et en diffusant des publications. Dans chaque cas, il offre et dispense activement ses services dans les deux langues officielles. Sur les 190 employés qu'il compte, 125 (65,8 p. 100) sont bilingues.

Tous les gestionnaires et les surveillants doivent avoir un niveau supérieur de compétence en langue seconde, et tous les postes bilingues exigent maintenant au moins une compétence de niveau intermédiaire. Beaucoup de visiteurs n'ont pour ainsi dire aucun contact avec les employés du Musée ; ils s'adressent surtout aux gardes de sécurité travaillant pour une agence privée. Le contrat de cette agence contient une clause linguistique qui semble être observée étroitement.

Les visiteurs du Musée sont invités à commenter la qualité des services fournis et à répondre notamment à une question sur les services offerts dans les deux langues officielles. Les commentaires négatifs se font rares.

Les employés peuvent travailler dans l'une ou l'autre langue officielle pratiquement partout. Les formulaires d'évaluation du rendement invitent les employés à se faire évaluer dans la langue officielle de leur choix, et le bureau du personnel fait des contrôles intermittents pour s'assurer que ce choix est respecté. L'usage des deux langues est répandu durant les réunions, et ce, à tous les niveaux hiérarchiques.

Dans l'ensemble, la participation des anglophones est faible, avec 111 employés sur 190 (58,4 p. 100). Il y a lieu de corriger certains déséquilibres à différents niveaux hiérarchiques. Ainsi, les cinq membres de la catégorie Scientifique et professionnelle ainsi que 47 des 56 (84 p. 100) employés de la catégorie Technique sont anglophones. Par contre, seulement 12 des 33 employés de la catégorie Soutien administratif et 18 des 39 membres de la catégorie Exploitation sont anglophones.

Le Musée a accueilli plus de 665 000 visiteurs au cours de l'année et n'a fait l'objet d'aucune plainte.

Pêches et Océans

Comme ce fut le cas l'an dernier, le Ministère a continué cette année de progresser en matière de langues officielles, notamment sur les plans du service au public et de la langue de travail de ses employés. De plus, l'effectif du Ministère reflète bien le taux de représentation des deux collectivités de langue officielle compte tenu de son mandat, de son public et de l'emplacement de ses bureaux. Bref, la *Loi sur les langues officielles* de 1988 a eu un effet tangible sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Le Ministère s'acquitte bien de sa responsabilité de publier les documents d'information générale dans les deux langues officielles. Quant aux textes de vulgarisation scientifique, les ouvrages volumineux et spécialisés font l'objet d'éditions distinctes et sont offerts sur demande. Nous nous réjouissons de constater que le document de référence intitulé *Les poissons du Pacifique canadien* est maintenant publié dans les deux langues officielles.

En ce qui concerne les autres aspects du service au public, nous avons noté certains accidents de parcours concernant l'affichage et l'utilisation de la presse minoritaire, mais le Ministère a promptement rectifié son tir.

Dans la région de la capitale nationale, nombre d'employés peuvent travailler dans la langue officielle de leur choix. À l'exception de certains documents de travail qui ne sont pas toujours publiés simultanément dans les deux langues officielles, et de quelques imprimantes qui doivent être incessamment remplacées, les instruments de travail sont bilingues. Pour ce qui est de la langue de surveillance, nous notons une augmentation de 25,7 p. 100 quant à la compétence bilingue des surveillants. Par ailleurs, il est à souhaiter que le Ministère accélère le processus de rehaussement du niveau de compétence linguistique de sa catégorie Gestion.

Quant à la participation équitable des deux groupes de langue officielle, le Ministère compose bien avec la répartition géographique de son effectif, qui se situe à 80 p. 100 dans des régions unilingues anglaises. La participation des francophones se situe à 17,1 p. 100 de l'ensemble des employés, ce qui reflète une augmentation comparativement à 1988. Les efforts du Ministère pour attirer plus de francophones dans la catégorie Scientifique et professionnelle ont permis un certain rattrapage, la proportion de francophones y étant passée de 10,7 à 11,9 p. 100 en 1989. Enfin, nous notons une augmentation de la participation francophone dans la catégorie Gestion où elle se situe maintenant à 20,3 p. 100 (29 sur 143), en hausse de 1,2 p. 100 comparativement à 1988.

Nous avons reçu douze plaintes en 1989, soit trois de moins qu'en 1988 ; la plupart de ces plaintes concernaient la langue de service et furent réglées rapidement.

Pétro-Canada

La situation linguistique n'a guère évolué à Pétro-Canada depuis 1988 du point de vue du service au public et de la langue de travail. Malgré quelques progrès du côté de la participation, nous notons toujours des déséquilibres sectoriels et régionaux quant à la participation des francophones. Bref, la *Loi sur les langues officielles* de 1988 a eu peu d'effet sur la mise en œuvre du programme des langues officielles au sein de cette institution.

En matière de service au public, Pétro-Canada s'en tient toujours aux normes qu'elle a établies, réservant l'affichage bilingue aux communautés où la minorité de langue officielle compte pour au moins 10 p. 100 de la population. Ainsi, seulement 19 p. 100 de ses établissements affichent dans les deux langues officielles (652 sur un total de 3 430). La Société ne projette donc pas une image conforme à son état d'institution fédérale, en particulier dans l'Ouest du pays où l'on ne trouve que 9,8 p. 100 (125 sur 1 275) des établissements affichant dans les deux langues. Nous lui recommandons de se conformer aux exigences de l'article 29 de la *Loi sur les langues officielles* concernant l'affichage dans les institutions fédérales. Par ailleurs, il nous est toujours difficile de connaître le niveau de compétence bilingue de la Société. Selon ses données, 17,4 p. 100 de ses employés (1 264) peuvent s'exprimer en français avec aisance ou sans trop de difficulté. Ces chiffres comprennent les employés du Québec, dont on ne connaît malheureusement pas le niveau de compétence en anglais.

La Société utilise la presse minoritaire et subventionne diverses activités éducatives, culturelles, sportives et récréatives de qualité pour les deux groupes linguistiques. En général, les campagnes de promotion se font dans les deux langues officielles. Toutefois, nous avons reçu des plaintes concernant l'affichage unilingue français à Montréal à l'occasion du « Tour de l'Île », l'absence de publicité en français dans les Maritimes à l'occasion du prolongement de la campagne « Les Pros du Vélo » et l'absence de publicité en anglais dans une circulaire bilingue. D'autres plaintes sont venues s'ajouter à l'occasion de la campagne « Jouez au Passe-Partout » dans la région de l'Atlantique. La Société devra exercer un contrôle plus serré sur le respect de la Loi, notamment lorsque ses services sont fournis par des tiers.

Comme par le passé, le français est peu utilisé en tant que langue de travail en dehors du Québec. Toutefois, la plupart des manuels sont publiés dans les deux langues officielles et des cours sont offerts aux employés francophones et anglophones. Les publications d'intérêt général pour les employés et les directives sont bilingues, de même que les services centraux et du personnel dans les principaux bureaux.

Globalement, la proportion d'employés francophones à Pétro-Canada s'établit à 12,6 p. 100 (916 sur 7 284), soit une très légère augmentation par rapport à 1988 (12,0 p. 100, 879 sur 7 308). Parmi les employés de la gestion intermédiaire, le

taux de participation francophone est passé de 9,6 p. 100 en 1988 (40 sur 418) à 10,6 p. 100 (45 sur 425). On note également une amélioration parmi le groupe des spécialistes où les francophones comptent pour 9,4 p. 100 des effectifs (209 sur 2 223), comparativement à 8,7 p. 100 en 1988 (174 sur 2 004). C'est à la division des Produits que l'on trouve le plus de francophones, soit 802 sur un total de 4 050 employés (19,8 p. 100). Dans le secteur des Services corporatifs, les francophones ne comptent que pour 7 p. 100 des effectifs (125 sur 1 779). La majorité des employés de la division des Ressources sont regroupés dans les provinces de l'Ouest et la participation francophone s'établit à 1,3 p. 100 (19 sur 1 454).

Afin d'améliorer la situation, la Société a accordé une attention particulière au recrutement d'universitaires francophones. Nous encourageons la Société à augmenter ses contacts auprès de la communauté scientifique francophone afin de faire connaître ses programmes de recherche et ses besoins en personnel dans le domaine du développement des ressources pétrolières. Sur le plan régional, la Société a encore beaucoup à faire. Les employés francophones ne sont pas assez nombreux en Ontario et au Québec et il n'y en a aucun en Saskatchewan, au Manitoba et au Nouveau-Brunswick.

Pétro-Canada a fait l'objet de 24 plaintes en 1989, soit le même nombre que l'an dernier. Elles avaient toutes trait au service au public. La majorité d'entre elles concernaient les communications visuelles (11) et la publicité (5). Quatre plaintes portaient sur les communications au téléphone et en personne, deux autres sur des formulaires, une sur la correspondance et une dernière concernait une publication.

Radio-Canada

La Société Radio-Canada (SRC) a donné un nouveau souffle de vie à son programme des langues officielles en 1989. Une équipe chargée de la gestion du programme a été mise en place, ainsi qu'un comité national des langues officielles regroupant des représentants de chacun de ses secteurs. Des problèmes persistent toutefois en matière de service au public, de langue de travail et de participation équitable des deux groupes linguistiques au sein de la SRC. Bref, la *Loi sur les langues officielles* de 1988 n'a eu qu'un effet relatif sur la mise en œuvre du programme des langues officielles au sein de cette institution.

En raison de son mandat de service au public, la Société doit assurer un service de radiotélédiffusion aux communautés de langue officielle minoritaire. Dans cette perspective, une étude portant sur les besoins des francophones hors du Québec en matière de programmation radiodiffusée a été effectuée en cours d'année. Nous en attendons les résultats avec intérêt. Cependant, les plaintes reçues du public indiquent un problème sur le plan de l'offre active de services bilingues en région. À Charlottetown, par exemple, il aura fallu attendre deux ans et de nombreuses plaintes pour que l'accueil téléphonique soit en voie de

devenir bilingue. À Toronto, la Société a modifié le réseau téléphonique interne sans se soucier des retombées linguistiques d'une telle démarche. À Vancouver, cinq plaintes ont obligé la Société à réexaminer la qualité des services bilingues, tant du point de vue de l'affichage extérieur que de l'accueil à la porte principale de son édifice de la rue Hamilton. De plus, nous avons dû prendre l'initiative de demander à la SRC de faire respecter en région sa politique d'identification bilingue dans les annuaires téléphoniques du pays.

Le Comité national des langues officielles procédait en fin d'année à un examen approfondi de la performance linguistique de la Société qui doit inclure la révision des exigences linguistiques des postes de la SRC et l'élaboration d'un meilleur système de collecte des données. Le Comité a aussi prévu de recenser les instruments de travail de la Société et de vérifier qu'ils soient en conformité avec la Loi. Dans ce domaine, des progrès sont perceptibles. Ces dernières années, la SRC a déployé de nombreux efforts pour bilinguiser surtout ses services informatiques.

Au siège social, à Ottawa, le taux de participation anglophone est faible (53 p. 100, soit 282 employés), et présente une nette diminution comparativement à 1988. Compte tenu de son mandat, de sa clientèle et de son emplacement, la SRC devra prendre les mesures qui s'imposent pour rétablir cet équilibre à son siège social.

Nous avons reçu 50 plaintes fondées à l'endroit de la SRC en 1989, soit 31 de plus que l'année dernière. La majorité des plaintes portaient sur le service au public. Quelques plaintes sont venues rappeler à notre attention que les émissions de radio et de télévision de Radio-Canada sont parfois très difficiles, voire impossible à capter dans certaines régions du pays. Nous n'avons reçu que deux plaintes ayant pour objet la langue de travail à la SRC.

Revenu national (Douanes et Accise)

Le ministère du Revenu national (Douanes et Accise) a continué à accorder beaucoup d'importance à ses responsabilités linguistiques en 1989 et à améliorer ses services au public dans les deux langues officielles. Du point de vue de la langue de travail, le français n'occupe pas la place qui lui revient, mais le Ministère prend des mesures pour en augmenter l'utilisation. Quant à la participation des deux groupes linguistiques, bien qu'équilibrée dans l'ensemble du Ministère, elle connaît les mêmes lacunes sectorielles qu'en 1988. Bref, la *Loi sur les langues officielles* de 1988 a eu des effets tangibles sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Soucieux d'améliorer son service au public, le Ministère travaille à établir sur une base permanente son nouveau système de guérites désignées bilingues, mis à l'essai à deux de ses postes frontaliers en Ontario à l'été 1988. Ce service,

annoncé par des panneaux, a été étendu à quatre autres bureaux d'entrée à l'été 1989, la période la plus achalandée, grâce à l'embauche de plusieurs étudiants bilingues. Douanes et Accise prévoit mettre ce système à l'essai dans d'autres postes d'inspections l'été prochain. Nous félicitons le Ministère de cette excellente initiative, d'autant plus méritoire qu'elle se situe dans une période de restrictions budgétaires. Par ailleurs, Douanes et Accise, à qui incombera l'administration de la future taxe sur les produits et services, devra tenir compte des exigences de la *Loi sur les langues officielles* dans la mise sur pied de cet important service de perception.

En matière de langue de travail cependant, une étude en cours à Douanes et Accise auprès de ses employés à l'administration centrale révèle que le faible niveau de compétence linguistique des surveillants est l'un des principaux facteurs de sous-utilisation du français. Cependant, conscient de cette faiblesse, le Ministère a déjà pris des mesures pour rehausser les exigences linguistiques des postes de la catégorie Gestion. De plus, ces mesures touchent maintenant l'ensemble des postes de surveillance dans les régions bilingues dont 81 p. 100 n'exigent présentement que le niveau intermédiaire de compétence linguistique. En outre, dans la région de la capitale nationale, seulement 79 p. 100 des surveillants satisfont aux exigences de leur poste.

Au chapitre de la formation, sur 199 cours offerts dans les deux langues officielles par le Collège des Douanes, 146 ont été donnés en anglais et 53 en français (26,6 p. 100). Cette répartition, quasi identique aux taux de participation des deux groupes linguistiques au sein du Ministère, est tout à fait louable.

Compte tenu de son mandat, de l'emplacement de ses bureaux et de sa clientèle, la participation globale des deux groupes linguistiques est équilibrée au sein du personnel du Ministère, avec 73 p. 100 d'anglophones et 27 p. 100 de francophones. Cette répartition est presque la même qu'en 1988. Cependant, les anglophones n'occupent que 7 p. 100 des postes au Québec, tandis que le taux de participation francophone au niveau des postes de gestion est resté stable (21 p. 100).

Nous avons reçu 39 plaintes mettant en cause Douanes et Accise en 1989, soit 17 de plus que l'année dernière. La plupart de ces plaintes (36) avaient pour objet le service au public. Vingt et une plaintes concernaient le public voyageur. Le Ministère a réglé la plupart de ces plaintes avec célérité.

Revenu national (Impôt)

En 1989, le ministère du Revenu (Impôt) s'est montré particulièrement actif dans le domaine des langues officielles. Il a poursuivi ses efforts en vue de rehausser la capacité bilingue de ses secteurs traditionnellement plus faibles, comme ceux de la vérification et du recouvrement. Il a aussi cherché par différents moyens à

mieux répondre aux attentes linguistiques de sa clientèle. En matière de langue de travail et de participation, le Ministère a enregistré des progrès, mais il y a encore à faire pour que le français prenne une meilleure place dans la majorité des bureaux bilingues, et pour augmenter la participation anglophone dans la région du Québec. Bref, la *Loi sur les langues officielles* de 1988 a eu des effets tangibles sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Plusieurs mesures susceptibles d'améliorer la qualité du service bilingue aux contribuables ont été mises en œuvre cette année. D'abord, le Ministère a modifié le formulaire T1 de déclaration de revenus, en y ajoutant une case dans laquelle le signataire pourra indiquer la langue dans laquelle il désire recevoir sa correspondance. Le Ministère a aussi donné suite à son engagement de l'année dernière et mis en œuvre un plan quinquennal de révision linguistique de tous les imprimés à l'intention du public. Nous accueillons d'autant plus favorablement cette mesure que les documents faisant l'objet de plaintes se verront accorder la priorité. Les employés affectés au service au public ont reçu des séances de formation sur l'offre active du service bilingue. Enfin, plusieurs bureaux disposent d'un nouveau système électronique de renseignements par téléphone, entièrement bilingue, permettant d'allonger les heures de service et de répondre aux demandes les plus courantes.

La capacité bilingue des services de vérification a de nouveau augmenté en 1989. À Toronto, le Ministère dispose maintenant de 11 vérificateurs bilingues sur 654, soit un de plus que l'année dernière. Halifax en compte désormais quatre, tandis qu'on en trouve au moins un dans presque tous les bureaux situés à l'ouest de Winnipeg. De plus, bien que la proportion de postes exigeant la connaissance des deux langues officielles se soit maintenue à 21 p. 100 en 1989, le pourcentage de titulaires de postes bilingues qui satisfont aux exigences linguistiques a augmenté de façon significative, puisqu'il se situe à 92,5 p. 100 par rapport à 90 p. 100 l'année dernière.

En matière de langue de travail, c'est surtout au niveau de la surveillance que les efforts du Ministère ont donné des résultats. Ainsi, 87,2 p. 100 des titulaires de postes de surveillance bilingues répondent aux exigences requises. Il s'agit d'une augmentation de plus de deux points comparativement à 1988.

Le Ministère affiche également un bon rendement en matière de formation professionnelle : la quasi-totalité des cours sont offerts en français et en anglais. Quelque 26 p. 100 des cours ont été donnés en langue française, alors que 24 p. 100 du total des inscriptions provenaient de francophones.

La participation globale des deux groupes linguistiques au sein du Ministère demeure équilibrée, compte tenu de l'emplacement de ses bureaux, de son mandat et de la clientèle desservie. Les francophones représentent 27,5 p. 100 de

l'effectif de 17 965 personnes. Le taux de spécialistes francophones a connu une hausse par rapport à l'année dernière et s'établit maintenant à 24,4 p. 100. Le taux de participation anglophone est cependant faible chez les employés de soutien (66,1 p. 100). Au niveau régional, le taux de participation anglophone demeure inacceptable au Québec, tandis que celui des francophones dans les provinces de l'Ouest se situe à 1,2 p. 100 du personnel.

En 1989, le Ministère a fait l'objet de 63 plaintes comparativement à 36 l'année dernière. Cinquante plaintes mettaient en cause la langue de service, plus particulièrement les services dispensés en langue française. Les communications écrites de toute nature ont engendré à elles seules 26 plaintes, presque toutes attribuables à des erreurs de parcours. Le Ministère fait preuve de célérité dans le traitement des plaintes et collabore fort bien avec nos enquêteurs pour ce qui est des solutions.

Santé nationale et Bien-être social*

Globalement, le ministère de la Santé nationale et du Bien-être social possède une capacité bilingue suffisante pour assurer un service de qualité satisfaisante dans les deux langues officielles et ce, dans la majorité des centres de service à la clientèle. Cependant, quelques problèmes font surface dans certaines directions générales à l'administration centrale et dans les régions. Au chapitre de la langue de travail, le Ministère doit déployer des efforts pour rehausser le niveau de compétence linguistique de ses surveillants. De plus, la participation francophone est insuffisante dans plusieurs catégories professionnelles et dans plusieurs régions, sauf au Québec où, à l'inverse, les anglophones sont sous-représentés. Enfin, la Direction générale de la Condition physique et du Sport amateur mérite certainement des félicitations pour sa participation aux Jeux du Canada de 1989. Dans l'ensemble, la *Loi sur les langues officielles* de 1988 n'a eu qu'un effet relatif sur la mise en œuvre du programme des langues officielles au sein du ministère de la Santé nationale et du Bien-être social.

Le Ministère peut assurer un service bilingue convenable, en particulier dans la région de la capitale nationale. Toutefois, des directions générales (Services et Promotion de la santé, Services médicaux et Protection de la santé) comptent un nombre élevé de titulaires de postes bilingues qui ne satisfont pas aux exigences linguistiques établies. En effet, le taux de titulaires qui répondent aux exigences linguistiques de leur poste varie de 27,3 p. 100 à 74 p. 100 selon les directions générales et les régions, ce qui est insuffisant pour répondre de façon appropriée aux demandes de services dans la langue de la minorité. Pour sa part, le Québec, avec 365 postes bilingues dont 84,5 p. 100 des titulaires satisfont aux exigences linguistiques de leur poste, peut garantir des services de qualité dans les deux langues officielles.

Par ailleurs, la Direction générale de la Condition physique et du Sport amateur mérite nos félicitations pour son appui à l'organisation des services en français à

l'occasion des Jeux d'été du Canada de 1989 tenus à Saskatoon. En 1989, un nombre record de 77 organismes nationaux de sport et de conditionnement physique sur une centaine ont présenté des plans sur les langues officielles et justifié les subventions accordées pour la traduction des documents, la formation linguistique et l'interprétation simultanée au cours des conférences et des réunions annuelles. En 1989, six plaintes ont été déposées à l'endroit de la Direction générale.

En ce qui concerne la langue de travail, les employés du Ministère bénéficient des services centraux et du personnel dans leur langue. Les manuels des programmes ainsi que les circulaires de la gestion sont bilingues, et la majorité des utilisateurs des systèmes informatisés peuvent choisir l'une ou l'autre langue officielle. Cependant 20,7 p. 100 des titulaires de postes de surveillant bilingues ne satisfont pas aux exigences linguistiques établies (181 sur 873) et seulement 26,8 p. 100 de ces postes (234 sur 873) requièrent le niveau supérieur de bilinguisme. De par cette situation, le français n'est pas suffisamment utilisé en tant que langue de travail, à l'extérieur du Québec et dans quelques unités de l'administration centrale.

Les taux de représentation des deux groupes linguistiques demeurent acceptables dans l'ensemble (76,5 p. 100 anglophone, 23,5 p. 100 francophone), mais on note des écarts sectoriels importants. Les francophones ne forment que 17,9 p. 100 du personnel de la catégorie Gestion (28 sur un total de 156) et leur participation s'avère insuffisante dans la catégorie Scientifique et professionnelle où ils ne composent que 15,4 p. 100 des effectifs (304 sur 1 977). Par ailleurs, le taux de participation des anglophones au Québec est inacceptable : ceux-ci ne forment que 4,6 p. 100 des effectifs (35 sur un total de 763). Le Ministère devra prendre des mesures pour amener la participation des deux groupes linguistiques à un taux plus équitable compte tenu de son mandat, de sa clientèle et de l'emplacement de ses bureaux.

En 1989, le nombre de plaintes s'élevait à 53 comparativement à 48 en 1988. La majorité des plaintes portaient sur la correspondance, les formulaires et les services téléphoniques. En général, nous obtenons une bonne coopération de la part du Ministère dans le règlement de ces plaintes. Par ailleurs, le Ministère a signé un protocole d'entente avec le Conseil du Trésor en matière de langues officielles au cours de 1989.

Secrétariat d'État

Le Secrétariat d'État a largement rempli ses obligations linguistiques en 1989. Le Ministère considère toute demande de service dans la langue de la minorité comme étant importante, et une amélioration tangible au niveau de l'offre active des services a pu être enregistrée durant l'année. Grâce au taux élevé de bilinguisme chez les employés, le français et l'anglais continuent d'être utilisés

régulièrement comme langues de travail. Cependant, des faiblesses dans deux domaines viennent assombrir un tableau fort méritoire, et pourtant, dans chacun de nos rapports annuels depuis 1984, ces points faibles ont fait l'objet d'observations négatives. Bref, la *Loi sur les langues officielles* de 1988 a eu des effets tangibles sur la mise en œuvre du programme des langues officielles au sein de cette institution.

En 1986, nous avons relevé que seulement 11 juges de la Cour de la citoyenneté sur 37 étaient bilingues, ce qui constituait, selon nous, une ombre au tableau. Trois ans plus tard, cette proportion est à peu près la même, puisqu'on en compte actuellement 16 sur 49. Bien que le Ministère s'efforce d'offrir une formation linguistique aux nouveaux titulaires, les candidats à la citoyenneté risquent néanmoins de constater que la personne qui a l'autorité de décider s'ils réunissent les conditions voulues pour devenir citoyens du pays, dont l'une est de parler l'une ou l'autre des deux langues officielles, ne peut le faire dans l'une de ces deux langues. Cette situation embarrassante a donné lieu à 12 plaintes en cinq ans.

Bien que le nombre de surveillants qui satisfont aux exigences linguistiques de leur poste ait quelque peu diminué en 1989, les employés peuvent encore, dans une très large mesure, travailler dans la langue officielle de leur choix. Les instruments de travail, les logiciels, les guides des utilisateurs, les services centraux et du personnel existent tous dans les deux langues. Le Ministère a respecté scrupuleusement son engagement d'exiger de ses directeurs régionaux qu'ils aient, au moment de leur nomination, une très bonne maîtrise de leur langue seconde. Actuellement, les neuf directeurs régionaux satisfont aux exigences linguistiques de leur poste.

Bien qu'il soit naturel que la proportion de francophones au Bureau de la traduction soit très élevée, étant donné que 80 p. 100 des textes à traduire sont des textes anglais à rendre en français, il est tout à fait injustifiable que la proportion des anglophones dans les autres secteurs du Ministère ait atteint son niveau le plus bas (49 p. 100). Lorsque, en 1984, nous avons critiqué le fait que la proportion d'anglophones (qui était de 56 p. 100) était beaucoup trop faible, nous étions loin de nous attendre à ce qu'elle soit encore plus faible au cours des cinq années qui suivraient. Même si le nombre d'employés est relativement peu élevé, il est quand même intéressant de noter que, contrairement aux autres ministères qui déclarent avoir de la difficulté à trouver ou à retenir des francophones pour les postes de la catégorie Scientifique et professionnelle et de la catégorie Technique, le Secrétariat d'État présente un taux de représentation anglophone insuffisant dans chacune de ces catégories. Dans la catégorie Administration et service extérieur, la situation n'est guère meilleure. Nous incitons encore une fois le Ministère à prendre les mesures qui s'imposent pour atteindre une participation globale plus équitable des deux groupes, tout en lui faisant remarquer qu'il a été possible au Québec d'améliorer la situation, car les anglophones y représentent maintenant près de 12,9 p. 100 de l'effectif.

Le Ministère n'a fait l'objet que de 14 plaintes en 1989, par rapport à 30 en 1988. Treize de ces plaintes touchaient la langue de service, et la dernière concernait la langue de travail. Le processus de traitement des plaintes a été amélioré et les sous-secrétaires d'État adjoints ont maintenant la responsabilité de veiller à ce que les mesures voulues soient prises pour remédier à l'objet des plaintes.

Secrétariat du Conseil du Trésor

Le Secrétariat du Conseil du Trésor présente en 1989 une performance à peu près identique à celle de l'an dernier en matière de langues officielles : c'est-à-dire satisfaisante mais non sans défaillances. En dépit de quelques améliorations, les mêmes lacunes subsistent sur les plans du service au public et de la langue de travail. La situation est sensiblement la même que l'an dernier en ce qui concerne la participation des francophones dans la catégorie Gestion, ainsi que celle des anglophones à la catégorie Soutien administratif. Bref, la *Loi sur les langues officielles* de 1988 n'a pas encore eu l'effet souhaité sur la mise en œuvre du programme des langues officielles au sein de cette institution.

En matière de service au public, soulignons que la qualité des services contractuels rendus par les commissionnaires s'est améliorée et n'a fait l'objet que d'une plainte en 1989, contrairement à cinq l'an passé. En ce qui a trait aux régimes d'assurance médicale et dentaire, gérés par des firmes privées pour le compte du Secrétariat, nous avons reçu cette année cinq plaintes, soit trois de plus qu'en 1988. Le Secrétariat poursuit ses démarches auprès de ces compagnies afin de s'assurer que leurs services respectent les droits des employés.

En matière de langue de travail, la *Loi sur les langues officielles* de 1988 (article 37) confère au Secrétariat du Conseil du Trésor l'importante obligation, quand il traite avec les employés des autres institutions fédérales, de respecter leur droit de travailler dans la langue officielle de leur choix. Bien que cette pratique soit déjà une composante de sa politique, il n'en demeure pas moins que le Secrétariat devra exercer une vigilance accrue afin de s'assurer qu'il est en mesure de répondre aux dispositions de la Loi et de prévenir les situations qui ont donné lieu aux neuf plaintes que nous avons reçues à ce sujet cette année.

Rien n'indique que le français soit davantage utilisé au travail depuis les dernières années, surtout si l'on considère le recul de la participation francophone (maintenant à 18,1 p. 100) dans la catégorie Gestion. Les moyens mis de l'avant pour améliorer la situation, tels que des cours de formation linguistique additionnels, le rehaussement du profil linguistique des postes de surveillant et la distribution d'un guide relié à la présidence des réunions bilingues, n'ont pas donné les résultats attendus. Mentionnons que le Secrétariat prévoit mener en 1990 un sondage sur la langue de travail, semblable à celui mené en 1987, et qu'il entend demander à ses employés de signaler les obstacles à l'usage plus répandu du français au travail.

Au chapitre de la participation équitable, la situation est sensiblement la même que l'an dernier et demeure donc insatisfaisante à plusieurs chapitres. En effet, le Secrétariat du Conseil du Trésor compte 628 employés dont 230 (36,6 p. 100) sont d'expression française et 398 (63,4 p. 100) d'expression anglaise. Dans certaines catégories d'emploi, les déséquilibres que nous signalons dans nos rapports annuels depuis maintenant cinq ans se sont accentués. Le taux de participation des francophones à la catégorie Gestion a diminué légèrement (19,3 p. 100); il était de 20,4 p. 100 en 1988, et de 24,4 p. 100 en 1986. Nul doute que ces déséquilibres ont des conséquences directes sur l'utilisation du français au travail. Le taux de participation des anglophones à la catégorie Soutien administratif accuse encore une fois une baisse (33,9 p. 100 comparativement à 38,8 p. 100 en 1988 et 45,0 p. 100 en 1986).

Le Secrétariat du Conseil du Trésor a fait l'objet de 16 plaintes cette année, une de moins qu'en 1988. La plupart de ces plaintes mettent en cause les services centraux offerts aux ministères et la prestation de services liés aux régimes d'assurance médicale. Nous avons obtenu une bonne collaboration du Secrétariat dans le règlement de ces plaintes. Par ailleurs, le Secrétariat a signé un protocole d'entente avec le Conseil du Trésor en matière de langues officielles au cours de 1989.

Service canadien du renseignement de sécurité

En 1989, le Service canadien du renseignement de sécurité (SCRS) a poursuivi ses efforts dans le but d'offrir au public des services bilingues de meilleure qualité. D'autre part, bien que plusieurs mesures positives aient été prises, le français n'occupe toujours pas toute la place qui lui revient comme langue de travail. La participation des deux groupes linguistiques au sein du Service n'est plus équilibrée, la proportion d'employés d'expression anglaise ayant baissé en 1989. Bref, la *Loi sur les langues officielles* de 1988 n'a eu qu'un effet relatif sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Le pourcentage de titulaires de postes bilingues qui satisfont aux exigences linguistiques de leur poste est passé de 75 p. 100 en 1988 à seulement 68 p. 100 cette année. Le rehaussement des exigences linguistiques des postes de la catégorie Gestion et de plusieurs postes dans la région de la capitale nationale est à l'origine de cette importante baisse. Cependant, 96 p. 100 des titulaires de postes désignés bilingues affectés au service au public satisfont maintenant aux normes linguistiques requises.

En matière de langue de travail, le Service a pris plusieurs mesures afin d'assurer l'égalité de statut des deux langues officielles. Ainsi, les formulaires d'évaluation de rendement comportent maintenant une case permettant aux employés d'indiquer leur préférence linguistique, et les participants aux réunions sont invités à s'exprimer dans la langue officielle de leur choix. Quant aux cours de formation de base pour les nouveaux employés, nous notons des progrès

appréciables. Par exemple, 30 p. 100 des cours sont donnés en français, 30 p. 100 en anglais et 40 p. 100 dans les deux langues. D'autre part, contrairement aux années antérieures, aucune plainte au sujet des communications entre l'administration centrale et la région du Québec n'a été enregistrée cette année. Cependant, si le SCRS veut donner au français la place qui lui revient dans les régions bilingues, il devra prendre des mesures afin d'augmenter la compétence linguistique des titulaires de postes désignés bilingues aux fins de la langue de travail. Cette année, 76 p. 100 des gestionnaires répondent aux exigences linguistiques de leur poste, soit 1 p. 100 de plus qu'en 1988 et ce malgré le rehaussement de plusieurs profils linguistiques. Le SCRS est conscient qu'il lui reste encore beaucoup à faire à ce chapitre, et nous l'encourageons à poursuivre ses efforts.

Le taux de participation des employés d'expression anglaise au SCRS a accusé un recul de sept points en un an et se situe maintenant à 69 p. 100. C'est surtout dans la catégorie du soutien administratif, où ils occupent environ la moitié des postes, que la participation des anglophones est faible. Quant aux employés d'expression française, leur nombre a augmenté au niveau des postes de la catégorie Gestion, où il se situe à 25 p. 100. Sur le plan régional, la proportion d'employés francophones est toujours un peu faible au bureau régional d'Ottawa où elle est passée de 19 à 22 p. 100. Compte tenu de son mandat, le SCRS devra prendre des mesures pour redresser ce déséquilibre.

Nous n'avons reçu aucune plainte contre le Service canadien du renseignement de sécurité en 1989, comparativement à 11 en 1988.

Service correctionnel *

Malgré certains progrès réalisés en 1989, le Service correctionnel du Canada (SCC) est encore aux prises avec d'importants problèmes relatifs à son programme des langues officielles. Les détenus de langue officielle minoritaire à l'extérieur du Québec éprouvent toujours des difficultés à recevoir des soins de santé dans leur langue. Du point de vue de la langue de travail, le français n'occupe toujours pas la place qui lui revient à l'administration centrale et au Nouveau-Brunswick, et la participation globale des deux groupes linguistiques au sein du SCC est pratiquement la même que l'an passé. Bref, la *Loi sur les langues officielles* de 1988 n'a eu qu'un effet relatif sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Le SCC a connu une légère hausse de sa capacité bilingue en 1989. Des 1 851 titulaires de postes désignés bilingues sur 10 190, 1 642 satisfont aux exigences linguistiques (88,7 p. 100), soit 2 p. 100 de plus qu'en 1988. La capacité bilingue du Service à l'administration centrale, au Québec et dans la région de l'Atlantique, est généralement bonne.

Dans le cadre d'une révision complète du profil linguistique de sa clientèle, entreprise cette année, le Service est à mettre au point un système uniformisé

d'enregistrement et de rapport afin de mieux connaître la langue officielle préférée des détenus. Cette information permettra aux établissements d'offrir activement les services qu'ils sont en mesure de dispenser dans l'une ou l'autre langue officielle, ce qui n'est pas toujours fait à l'heure actuelle. À ce sujet, les cinq régions enverront dorénavant deux rappels par année à tous leurs employés.

Le Service estime qu'il lui manque 35 professionnels bilingues pour être en mesure d'assurer à tous les détenus, partout au pays, des services de santé adéquats dans la langue officielle de leur choix. Présentement, l'Ontario ne dispose que d'un médecin et d'un psychiatre à temps partiel qui peuvent pratiquer en français, et à peine six de ses 97 infirmières sont bilingues. Dans la région de l'Atlantique, on a recruté un deuxième médecin bilingue en 1989 et on peut compter sur les services d'une dizaine d'infirmières compétentes dans les deux langues officielles. Cependant, le pénitencier de l'Atlantique situé à Renous au Nouveau-Brunswick n'a aucun médecin qui parle français et ne dispose que d'une seule infirmière bilingue. Malgré les difficultés que rencontre le Service à recruter des médecins, nous l'encourageons à poursuivre ses efforts afin d'embaucher des professionnels de la santé bilingues et de mettre en œuvre son programme de bourses à l'intention des étudiants en médecine bilingues.

Dans le domaine de la gestion des cas, la région de l'Atlantique a amélioré sa capacité bilingue. La région du Québec, pour sa part, a pris certaines mesures afin d'accélérer la production, dans la langue officielle préférée des détenus, des rapports de gestion de cas qui les concernent et auxquels ils ont droit. Cependant, deux plaintes de détenus anglophones, reçues à l'automne, nous portent à croire qu'au moment d'écrire ces lignes, ce problème n'était pas encore entièrement réglé. Il est à espérer qu'une entente conclue en fin d'année entre la région du Québec et le Bureau des traductions améliorera grandement la situation. Par ailleurs, il arrive qu'un détenu comparaisse en cour disciplinaire devant un président unilingue et qu'on ait à faire appel aux services d'un employé bilingue pour agir comme interprète. Cette situation, qui se produit parfois en Ontario et dans la région de la Prairie à cause du manque de présidents indépendants bilingues, est à la fois injuste pour le détenu et l'employé concernés. Le Service a obtenu un avis indiquant qu'une cour disciplinaire constitue un tribunal fédéral au sens de la Loi de 1988. Il s'engage donc à recommander au Solliciteur général qu'un plus grand nombre de présidents indépendants bilingues soient nommés pour respecter les exigences de la Loi voulant que ces présidents comprennent le français et l'anglais sans l'aide d'un interprète.

Sur le plan de la langue de travail, une vérification interne a révélé un problème dans les communications entre le siège social et la région du Québec, en plus de signaler que certains instruments de travail sont unilingues. Le Comité de gestion, pour sa part, continue d'accorder de plus en plus de place au français durant ses réunions. Plusieurs plaintes d'employés du SCC au Nouveau-Brunswick, du

pénitencier de l'Atlantique en particulier, démontrent qu'il est encore difficile d'y travailler en français malgré certaines améliorations depuis l'arrivée, à l'été 1989, d'un directeur adjoint francophone.

Bien que les deux groupes linguistiques participent équitablement dans quatre des six catégories professionnelles, les employés d'expression anglaise n'occupent que 66 p. 100 des postes dans l'ensemble du SCC, soit 1 p. 100 de moins qu'en 1988. Ce déséquilibre s'explique surtout du fait que sur près de 3 000 employés au Québec, à peine 1,6 p. 100 sont d'expression anglaise. Cette situation doit être améliorée compte tenu du mandat du Service, de la clientèle desservie et de l'emplacement de ses bureaux. Par contre, dans la région de l'Atlantique, la situation continue de s'améliorer ; les francophones occupent maintenant 20,6 p. 100 des postes, comparativement à 19 p. 100 l'an passé.

Nous avons reçu 32 plaintes mettant en cause le SCC cette année, 15 de plus qu'en 1988 ; la majorité concernaient les services offerts aux détenus. Par ailleurs, le Ministère a signé un protocole d'entente avec le Conseil du Trésor en matière de langues officielles au cours de 1989.

Société canadienne des postes *

La Société canadienne des postes a pris de nombreuses initiatives en 1989 pour améliorer son rendement linguistique. Certaines ont eu du succès, mais d'autres n'ont aucunement servi à résoudre les problèmes importants évoqués au cours des années précédentes. On compte, au nombre des mesures concrètes qui ont été prises, l'élargissement du réseau de comptoirs bilingues, la tenue de consultations avec les associations minoritaires, l'élaboration des plans de formation linguistique à l'intention de surveillants unilingues et la publication d'un article sur la langue de travail dans le bulletin interne de la Société. Par contre, les services et l'affichage aux comptoirs privatisés désignés bilingues demeurent toujours une source de problèmes, et la Société canadienne des postes devra apporter des améliorations à l'utilisation du français en milieu de travail. Néanmoins, la participation des deux groupes linguistiques tend à être globalement équitable. La Société doit appliquer plus rigoureusement les mesures qu'elle prend chaque année, si elle veut répondre efficacement aux besoins de ses clients et respecter les droits de ses employés. Bref, la *Loi sur les langues officielles* de 1988 n'a eu qu'un effet relatif sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Il y a deux ans, la Société a commencé à mettre en service, à l'intention de sa clientèle, des lignes téléphoniques de libre appel dans les deux langues officielles. Cependant, les annuaires téléphoniques n'indiquent pas toujours clairement, dans certaines régions du pays, à quel numéro les gens peuvent être servis dans la langue officielle de leur choix. Tant que ce problème n'aura pas été réglé, on ne pourra dire que le service répond aux besoins linguistiques de la

clientèle de la Société, ni qu'il satisfait aux exigences de l'article 28 de la *Loi sur les langues officielles* portant sur l'offre active de services.

Des problèmes de service se posent toujours dans les bureaux de poste exploités par la Société. Les plaintes et les vérifications faites sur place nous ont permis de constater à maintes reprises que la Société, même à ses propres comptoirs bilingues, a beaucoup de difficulté à servir régulièrement les clients dans la langue officielle de leur choix. La Société a indiqué par le passé que, dans les grands bureaux de poste, un minimum de trois employés bilingues était nécessaire pour offrir un service bilingue continu. Comme on le mentionnait l'an dernier, celle-ci n'a pu négocier avec le syndicat des employés une convention qui autoriserait la dotation impérative de postes bilingues lorsque la situation le requiert. Au moment d'écrire ces lignes, la Société a entamé des négociations collectives avec le Syndicat des postiers du Canada et a repris les discussions quant à la dotation de ces postes. La question a déjà fait l'objet d'un règlement avec l'Association des officiers des postes du Canada ; lors des dernières négociations, les deux parties se sont entendues pour la dotation impérative des postes de surveillance, lorsque cela s'avère nécessaire.

La Société a démontré, depuis un an, que même si les postes de service au comptoir ne font pas l'objet d'une dotation impérative, la direction dispose des moyens voulus pour offrir le service dans les deux langues officielles, sans nécessairement attendre que les employés unilingues aient terminé leur formation linguistique, laquelle peut durer jusqu'à six mois. Aiguillonnée par une vingtaine de plaintes sur l'absence de service en français dans les deux bureaux de poste bilingues d'Edmonton, la Société a affecté à l'un des postes un employé qui avait les capacités linguistiques nécessaires, pendant que le titulaire suivait des cours de français. Un tel arrangement ne vaut que si on peut trouver des employés bilingues, mais cette approche devrait aussi servir ailleurs.

Les concessions privées et les comptoirs postaux représentent maintenant le tiers de tous les débits postaux. Tous les contrats passés avec les exploitants des services postaux désignés bilingues comprennent une clause linguistique précise. Néanmoins, la moitié de toutes les plaintes concernant le service et l'affichage portaient, en 1989, sur des exploitations privatisées (soit une augmentation de plus de 200 p. 100 par rapport à 1988). Nos enquêtes nous ont permis de constater que la Société ne contrôle guère le respect des obligations linguistiques. En 1989, la Société a annoncé la mise en place de contrôles de l'application de ses principes linguistiques dans les services privatisés. Étant donné que de plus en plus de services postaux sont confiés à l'entreprise privée, la vérification des clauses linguistiques devient primordiale.

La Société canadienne des postes effectue des études de marché dans les centres urbains du pays pour déterminer les meilleurs endroits où installer des bureaux de poste. À Winnipeg, nous avons constaté que le questionnaire ne comportait

aucune question sur la préférence linguistique des clients. Cette situation a été corrigée depuis. Ces études constituent une excellente occasion d'établir des critères objectifs pour décider de l'emplacement des débits bilingues, et il serait opportun d'ajouter aux questionnaires une question concernant la langue de service.

La Société devrait aussi se hâter de donner suite à son idée de renseigner ses clients de langue minoritaire sur les endroits où ils peuvent se faire servir dans leur propre langue. En effet, à quoi peut servir à un francophone de Regina ou à un anglophone de Trois-Rivières de savoir que, dans leur ville, il y a des bureaux de poste désignés bilingues, s'ils ne savent pas où ils se trouvent ... En 1989, dans le but d'améliorer son programme d'offre active, la Société a posé, dans les bureaux de poste unilingues de certaines localités, des enseignes énumérant les points de vente désignés bilingues. Toutefois, la mise en œuvre de ce programme se fait très lentement. Il faut mettre des enseignes et transmettre cette information dans toutes les villes où le service bilingue n'est pas très répandu.

Parmi les mesures qui faisaient partiellement suite à nos recommandations sur la langue de travail, il y a lieu de signaler l'établissement de plans de formation linguistique pour les titulaires unilingues de postes de surveillance bilingues, la publication d'un article dans le bulletin interne de la Société sur l'usage des deux langues officielles sur les lieux de travail, l'envoi de notes de service aux gestionnaires sur le droit de l'employé d'être surveillé et de se faire évaluer dans la langue officielle de son choix, ainsi que le dépistage de cours de formation équivalents en français dans le cas des cours offerts en dehors des institutions fédérales. Cependant, nos enquêtes sur des plaintes portant sur la langue de travail ont révélé que la Société devrait s'efforcer de créer un climat qui soit propice à l'utilisation du français. Par exemple, même à Québec, certains instruments de travail n'étaient distribués qu'en anglais. De plus, ayant reçu plusieurs plaintes contre le centre de traitement du courrier d'Ottawa, nous y avons fait enquête et avons constaté que, bien qu'on y dénombre des centaines d'employés francophones, plusieurs surveillants sont unilingues, et divers documents de travail et rapports d'usage courant ne sont distribués qu'en anglais. La Société est en train de prendre des mesures correctives à ce sujet.

La Société canadienne des postes compte 63 252 employés. Les anglophones forment 74,6 p. 100 des effectifs et les francophones 25,4 p. 100, proportions qui paraissent équitables étant donné le mandat de la SCP, l'emplacement de ses bureaux et sa clientèle. Les francophones forment 27 p. 100 du personnel de la gestion. Par ailleurs, il subsiste des déséquilibres régionaux. Le taux de participation des anglophones au Québec n'atteint que 2,5 p. 100 du total des employés dans cette province. Dans la seule région de Montréal, leur pourcentage n'atteint que 2,1 p. 100, une situation qui devrait être redressée. Dans la région de l'Atlantique, à peine 5,2 p. 100 des employés sont francophones ; à Toronto, il y a encore moins de francophones (17, soit 0,1 p. 100) qu'en 1988 (19). En cette période de

réduction de l'effectif, la Société devra faire un effort pour assurer une participation équilibrée des deux groupes de langue officielle.

La Société dispose d'un Comité directeur des langues officielles et d'un comité spécial, formé de cadres supérieurs, qui contribue à la gestion du programme des langues officielles. L'an dernier, elle avait pris des mesures pour intégrer les objectifs de ses programmes à ses plans opérationnels.

À la suite du règlement annoncé des plaintes, des vérifications ponctuelles de plus de 3 p. 100 des cas ont révélé que les problèmes se répétaient malgré des déclarations selon lesquelles les plaintes avaient été réglées. Dans trois cas, le problème subsistait même si la Société avait indiqué une deuxième, une troisième ou même une quatrième fois que la situation avait été corrigée. Ces problèmes mettent les plaignants à bout de patience et grèvent le programme de langues officielles qui, par ailleurs, se révèle utile.

En 1989, la Société a fait l'objet de 359 plaintes (soit une augmentation de plus de 50 p. 100 par rapport à 1988). Comme les employés de la Société sont souvent en contact avec la population, la majorité de ces plaintes (94 p. 100) concernaient le service au public. Une quinzaine de plaintes portaient sur l'utilisation des deux langues officielles au travail.

Société canadienne d'hypothèques et de logement

En 1989, la Société canadienne d'hypothèques et de logement a continué, en général, de s'acquitter de ses responsabilités en matière de service au public et de langue de travail. Par contre, certains déséquilibres dans la participation des deux groupes linguistiques persistent sur certains plans régionaux et sectoriels. À notre avis, la *Loi sur les langues officielles* de 1988 n'a eu qu'un effet relatif sur la mise en œuvre du programme des langues officielles au sein de cette institution.

La Société maintient encore cette année une capacité bilingue pouvant répondre aux demandes dans les deux langues officielles, tant au Bureau national qu'à ses bureaux désignés bilingues. Cependant, nous notons que la Société n'utilise pas comme il se doit la presse minoritaire.

Sur le plan de la langue de travail, la Société s'est efforcée de répondre à ses obligations linguistiques en ce qui concerne les documents de travail, les systèmes informatisés, les programmes de formation et les services centraux et du personnel. Grâce à son programme de formation linguistique, la Société a réussi à augmenter le pourcentage de surveillants bilingues de 9 p. 100 en 1989. Le taux de titulaires de postes bilingues qui répondent aux exigences linguistiques est passé de 70,5 p. 100 en 1988 (232 sur 329) à 79,5 p. 100 en 1989 (256 sur 322). Les employés du Bureau national sont informés de leur droit de travailler dans leur langue officielle. Afin de promouvoir l'usage du français, la Société a

maintenu son programme de « Journées en français ». De plus, elle offre à ses employés des programmes de formation de base, de maintien de l'acquis et de perfectionnement en français. Des services de traduction et de révision de textes sont également à la disposition des employés. En général, les communications avec le Québec s'effectuent en français ou dans les deux langues officielles.

La participation des anglophones nous paraît insuffisante dans la catégorie Soutien administratif, notamment dans la région de la capitale nationale. Le faible taux de participation globale des anglophones au Québec pose également un problème sérieux. En effet, il n'y a que 12 anglophones dans cette province sur un total de 388 employés (3,1 p. 100). Des mesures s'imposent donc pour amener la participation des deux groupes linguistiques à un taux plus équitable dans les divers secteurs, afin de se conformer aux exigences de la Loi.

La SCHL a fait l'objet de 32 plaintes cette année, comparativement à 11 l'an dernier, et 15 d'entre elles portaient sur l'absence de services en français à Granville Island, dans la région de Vancouver (C.-B.). La majorité des autres plaintes avaient pour objet l'absence de publicité dans la presse minoritaire. Comme par le passé, nous avons reçu une bonne collaboration du Groupe des langues officielles dans le processus de règlement des plaintes.

Solliciteur général

La situation linguistique globale du Secrétariat du ministère du Solliciteur général s'est améliorée cette année. Le Secrétariat a maintenu un niveau satisfaisant de service au public et a même augmenté sa capacité bilingue. Au chapitre de la langue de travail, l'embauche de plusieurs cadres bilingues devrait lui permettre de créer un milieu plus propice à l'utilisation du français. Quant à la participation équitable, on a remarqué cette année une baisse du taux de participation anglophone. Bref, la *Loi sur les langues officielles* de 1988 a eu un certain effet sur la mise en œuvre du programme des langues officielles au sein de cette institution.

Étant donné son important rôle de coordination auprès de tous les intervenants gouvernementaux et privés dans le secteur pénal, le Secrétariat doit maintenir une très bonne capacité bilingue. Près de 70 p. 100 de ses 267 postes exigent le bilinguisme, soit une augmentation d'environ 40 postes par rapport à 1988, surtout dans les secteurs de la Police et de la sécurité et des Affaires correctionnelles, qui étaient traditionnellement unilingues anglais. D'autre part, le Secrétariat a mis en œuvre sa politique exigeant que toutes les publications spécialisées soient traduites. Sur 12 rapports publiés en 1989, 11 étaient disponibles dans les deux langues officielles et le douzième ne fut diffusé qu'à un nombre restreint de spécialistes.

Le français continue d'être sous-utilisé comme langue de travail dans les secteurs opérationnels du Secrétariat, qui a poursuivi les efforts entrepris l'an

passé pour redresser la situation. Cette année, l'embauche de cadres bilingues, l'augmentation de la capacité bilingue des secteurs traditionnellement anglophones et la formation linguistique maison donnée à 42 employés depuis avril devraient permettre une plus grande utilisation du français durant les réunions et dans les activités de rédaction. Cependant, le français ne pourra faire de gains vraiment appréciables tant que le Secrétariat n'aura pas augmenté la compétence bilingue des surveillants, dont près de 23 p. 100 ne répondent pas aux exigences linguistiques de leur poste. Mentionnons que cela représente une baisse de 3 p. 100 par rapport à l'an dernier.

Compte tenu de son mandat, de sa clientèle et du fait que 90 p. 100 de son personnel travaille dans la région de la capitale nationale, le taux de participation anglophone au sein du Secrétariat nous paraît un peu faible à 68 p. 100 (en baisse de 2 p. 100 par rapport à l'an dernier). Les employés d'expression anglaise sont particulièrement sous-représentés dans la catégorie Soutien administratif où ils occupent à peine 49 des 93 postes, soit 52,7 p. 100. Par ailleurs, les efforts du Secrétariat en vue d'augmenter la participation francophone dans la catégorie Gestion ont porté fruits. On y trouve maintenant six employés d'expression française (19,4 p. 100) comparativement à un seul l'an dernier. Les liens établis en 1989 avec les institutions d'enseignement francophones, spécialisées en criminologie et dans les domaines connexes, devraient aider le Secrétariat à augmenter le nombre de ses professionnels d'expression française. À l'heure actuelle, des 20 postes dans la catégorie Scientifique et professionnelle, un seul est occupé par un francophone.

Les trois plaintes que nous avons reçues cette année concernant le Secrétariat du ministère du Solliciteur général (une de moins qu'en 1988) portaient toutes sur le service au public.

Statistique Canada

Statistique Canada mérite des félicitations pour ses efforts constants en vue d'améliorer la qualité de ses services bilingues. Cet organisme a accompli en 1989 de nombreux progrès dans ce domaine. En ce qui concerne la langue de travail, Statistique Canada, conscient du fait que le français n'a toujours pas la place qui lui revient, a pris des mesures pour améliorer la situation. Cependant, des problèmes persistent au niveau de la participation équitable. Bref, la *Loi sur les langues officielles* de 1988 a eu un certain effet sur la mise en œuvre du programme des langues officielles au sein de cette institution.

En 1989, l'organisme a apporté des améliorations à son service au public, lequel était déjà de bonne qualité. En vue du recensement de 1991 sur la population et sur l'agriculture, Statistique Canada a organisé, en 1989, une série de réunions publiques à l'échelle nationale afin de discuter du contenu et des questions du recensement. Plus d'un millier de personnes ont participé à ces consultations, qui se sont tenues dans les deux langues officielles. De plus, à la suite d'une

recommandation formulée dans le cadre d'une vérification interne, une question sur la préférence linguistique a été ajoutée à tous les questionnaires d'enquête. Le nombre d'intervieweurs bilingues a aussi légèrement augmenté pour s'établir à 85,9 p. 100. Toutefois, Statistique Canada a maintenu sa règle voulant que les postes d'intervieweur ne soient désignés bilingues que lorsque 10 p. 100 de la population visée appartient à un groupe linguistique minoritaire, ce qui, combiné à certaines faiblesses des dispositions administratives prises pour compenser la présence d'intervieweurs unilingues, nous semble trop restrictif. La réglementation à venir portant sur la demande importante saura mieux préciser ce contexte.

Le français n'occupe toujours pas la place qui lui revient en tant que langue de travail dans la région de la capitale nationale et dans les autres régions bilingues. Plus précisément, le pourcentage de surveillants qui répondent aux exigences linguistiques de leur poste a baissé de 79 p. 100 en 1988 à 77 p. 100 en 1989. Dans la catégorie Gestion, 37 p. 100 seulement des gestionnaires ont atteint le niveau le plus élevé de compétence bilingue. Nous encourageons Statistique Canada à poursuivre ses efforts pour ce qui est du maintien de l'acquis des connaissances linguistiques et la formation linguistique des gestionnaires avec encore plus de vigueur.

Statistique Canada a donné suite à l'engagement, pris en 1988, d'effectuer une enquête approfondie sur les problèmes de la langue de travail dans le domaine de l'informatique. Jusqu'à présent, l'étude a révélé que les principaux logiciels de ses 1 500 micro-ordinateurs existent dans les deux langues officielles. Toutefois, on ne dispose pas encore de renseignements détaillés sur l'ensemble des systèmes.

En 1989, la participation globale des anglophones a diminué à 62,1 p. 100. En 1988, cette participation se situait à 63,3 p. 100. Compte tenu du mandat de Statistique Canada, de sa situation géographique et du public qu'il dessert, ce taux de participation nous apparaît insuffisant. À l'administration centrale, le taux de participation des anglophones a baissé légèrement cette année (58,1 p. 100) dans la catégorie Soutien administratif. Au Québec, la participation des anglophones a augmenté pour la deuxième année, passant cette fois-ci de 8,6 à 11 p. 100, malgré les restrictions en matière de recrutement.

En 1989, Statistique Canada a fait l'objet de quatorze plaintes, soit le même nombre qu'en 1988. Elles avaient toutes trait au service au public. Statistique Canada fait preuve de coopération dans le traitement de ces plaintes. Par ailleurs, le Ministère a signé un protocole d'entente avec le Conseil du Trésor en matière de langues officielles au cours de 1989.

Transports *

En 1989, Transports Canada a consacré ses énergies à préparer la relance du programme des langues officielles au niveau de la réglementation, de l'infrastructure

du programme et de l'accroissement des responsabilités du personnel de la catégorie Gestion. Cependant, certains dossiers linguistiques importants relatifs au service au public n'ont toujours pas été réglés. De plus, la situation en matière de langue de travail et de participation équitable ne s'est pas améliorée. Bref, la *Loi sur les langues officielles* de 1988 a eu peu d'effet sur la mise en œuvre du programme des langues officielles au sein de cette institution.

En février 1989, le Ministère nous informait qu'il avait formulé, à l'intention des sociétés aériennes, une réglementation stipulant l'obligation d'annoncer les mesures de sécurité dans les avions dans les deux langues officielles et qu'il était arrivé à l'étape de consultation avec le ministère de la Justice à ce sujet. Nous ne pouvons passer sous silence le peu d'empressement du gouvernement à se conformer aux dispositions de la Loi de 1988 relatives à la santé et à la sécurité du public. Au cours de l'année, nous avons reçu beaucoup de plaintes à cet effet impliquant une dizaine de sociétés aériennes.

Dans la région des Grands lacs, les communications avec la circulation maritime ne peuvent être assurées de façon continue dans les deux langues officielles. La Garde côtière éprouve toujours du mal à offrir des services bilingues, même ceux qui touchent à la santé et à la sécurité du public, pourtant jugés essentiels au terme de la Loi.

S'ils sont largement disponibles dans certains aéroports, les services bilingues aux voyageurs ne sont pas vraiment fiables dans bon nombre de grands aéroports et ce, en raison du manque d'uniformité avec laquelle ils sont disponibles ou offerts. Les quelque 171 plaintes reçues cette année, impliquant surtout les aéroports de Winnipeg, Sydney, Yarmouth, Toronto, Prince George et Vancouver, traduisent bien la difficulté qu'éprouve le Ministère à faire respecter les clauses linguistiques incluses aux contrats des concessionnaires et des locataires.

Le projet de bilinguisation des services de contrôle aérien à l'aéroport international d'Ottawa a été une fois de plus remis à une date ultérieure en raison de la difficulté de doter la tour de contrôle d'Ottawa de douze contrôleurs aériens bilingues. Nous encourageons fortement le Ministère à déployer tous les efforts nécessaires pour mener à terme ces importants changements, maintenant prévus pour avril 1990.

La situation en matière de langue de travail est la même qu'en 1988. Le français est utilisé au Québec et au bureau du personnel de la région de la capitale nationale (RCN), mais ailleurs, il n'a pas la place qui lui revient. Le fait que 33,3 p. 100 des postes bilingues de surveillant dans la RCN soient occupés par des fonctionnaires unilingues ne facilite pas l'utilisation des deux langues officielles au travail, en plus de la faible participation des francophones (17,3 p. 100) aux postes supérieurs de gestion.

Les plaintes instruites au cours de l'année nous amènent à conclure qu'il subsiste de sérieux problèmes au niveau des instruments de travail et des cours de formation et de perfectionnement. Par ailleurs, les employés des services centraux et du personnel n'ont pas les compétences linguistiques nécessaires pour répondre aux besoins du Ministère. Nous encourageons le Ministère à intensifier ses efforts en vue de susciter une utilisation plus équilibrée des deux langues officielles au travail.

En matière de participation des deux groupes linguistiques, aucune amélioration tangible n'a été enregistrée au cours de 1989. En effet, le taux de participation des francophones se situe toujours à 22 p. 100. Dans la RCN, la participation des francophones est demeurée à 18 p. 100 dans la catégorie Gestion et se situe à 18,4 p. 100 dans la catégorie Technique. Compte tenu du mandat de l'organisme, de sa clientèle et de son emplacement, ces données sont loin de satisfaire aux exigences de la Loi en matière de participation équitable dans la RCN. La situation n'est pas meilleure au Nouveau-Brunswick où la participation des francophones se situe à 13,4 p. 100, ni au Québec où le taux de participation des anglophones se situe à 7,5 p. 100.

En décembre 1989, le ministre des Transports comparaissait devant le Comité mixte permanent des langues officielles et réitérait son engagement à l'égard du programme. Nous espérons que Transports Canada donnera le coup d'envoi, car le public commence à manifester son insatisfaction. Le nombre de plaintes, qui a plus que triplé en 1989 (de 100 à 333), en témoigne. Dans l'ensemble, ces plaintes ont trait au service au public, mais plus particulièrement au public voyageur dans les différents aéroports canadiens. En général, le règlement de ces plaintes demeure laborieux en dépit de la bonne volonté des responsables en fonction.

Travail

Le ministère du Travail offre des services dans les deux langues officielles dans la plupart de ses bureaux désignés bilingues. Dans les bureaux unilingues, le public est orienté vers d'autres bureaux où les services sont fournis dans les deux langues. En ce qui a trait à la langue de travail, des progrès ont été réalisés depuis 1988, mais il reste encore des efforts à faire en ce qui concerne le niveau de bilinguisme chez les surveillants. Par ailleurs, il nous faudrait connaître la situation en ce qui concerne les instruments de travail. En outre, les statistiques relatives à la participation révèlent encore des déséquilibres dans certains domaines. Bref, la *Loi sur les langues officielles* de 1988 n'a eu qu'un effet relatif sur la mise en œuvre du programme des langues officielles au sein de Travail Canada.

Grâce aux compétences linguistiques de son personnel, Travail Canada peut offrir ses services dans les deux langues dans les régions où la demande est importante. Toutefois, à Toronto et à Winnipeg, les effectifs bilingues devraient être augmentés pour répondre adéquatement à la demande. Dans les bureaux

unilingues, le Ministère publie des numéros de téléphone pour les services en français et dispose d'un protocole téléphonique pour fournir les renseignements dans les deux langues. De plus, ses inscriptions dans les pages énumérant la liste des bureaux et des services gouvernementaux des annuaires téléphoniques régionaux indiquent en général où l'on peut obtenir des services en français. Toutefois, l'article 26 de la Loi, qui stipule qu'en matière de santé et de sécurité le public a droit à des services bilingues lorsqu'il s'adresse à des institutions fédérales, placera Travail Canada dans l'obligation d'effectuer une réévaluation des services bilingues offerts dans ses bureaux unilingues, en particulier dans l'Ouest et dans les provinces atlantiques, sauf au Nouveau-Brunswick.

Bien que la plupart des mécanismes permettant d'assurer l'utilisation de l'une ou l'autre langue officielle au travail soient en place, le français n'a pas encore le statut dont il devrait jouir en tant que langue de travail, en raison de deux lacunes qui persistent dans ce domaine. D'une part, la situation relative aux instruments de travail mériterait d'être précisée et, d'autre part, de trop nombreux surveillants n'ont pas les compétences linguistiques suffisantes. Comme c'était le cas en 1988, seulement 109 titulaires de postes bilingues de surveillance sur 137 (79,6 p. 100) satisfont aux exigences linguistiques de leur poste, et seulement 20 p. 100 de ces postes nécessitent des compétences linguistiques supérieures.

Les données statistiques sur la participation n'ont pas évolué ces dernières années, et les mêmes déséquilibres persistent. En général, la participation des anglophones est encore faible (65 p. 100), en particulier dans la catégorie Soutien administratif (55 p. 100). Cette carence est encore plus manifeste dans la région de la capitale nationale où le taux de participation dans cette catégorie est resté à 46 p. 100. La participation des anglophones est également faible au Québec (4 p. 100) et au Nouveau-Brunswick (41 p. 100). Par contre, dans certaines régions, la participation francophone demeure très faible. On compte trois employés francophones dans les quatre provinces de l'Ouest et aucun dans la région de l'Atlantique, le Nouveau-Brunswick mis à part. Le Ministère surveille l'évolution de la situation, mais n'a pas réussi a rétablir la situation au cours des trois dernières années. Étant donné que la *Loi sur les langues officielles* exige que le taux de participation soit déterminé en fonction du mandat de l'organisme, du lieu géographique et de la clientèle, un plan d'action approprié devrait donc être mis en œuvre pour redresser cette situation.

Travail Canada a fait l'objet de deux plaintes en 1989, tout comme en 1988. L'une portait sur le profil linguistique d'un poste et l'autre sur l'absence de services en français dans un bureau de Vancouver. Ces deux plaintes étaient réglées à la fin de l'année avec la collaboration du Ministère.

Travaux publics

En 1989, le ministère des Travaux publics a augmenté ses ressources affectées aux langues officielles et s'est efforcé de modifier ses politiques et ses pratiques

en vue de tenir compte des exigences particulières exprimées dans la *Loi sur les langues officielles* de 1988. Cependant, il n'a toujours pas résolu certains problèmes qui persistent quant à la prestation des services au public, à la langue de travail et à une participation équitable. Bref, la Loi de 1988 n'a eu qu'un effet relatif sur la mise en œuvre du programme des langues officielles au sein de ce Ministère.

En ce qui concerne les services offerts au public, le problème des plans et devis concernant les appels d'offres, que nous croyions avoir été résolu l'an dernier, s'est de nouveau posé cette année. Le Ministère a reporté l'application des mesures proposées et décrites dans notre rapport de l'an dernier comme étant à la fois souples et généreuses. Ces mesures devaient lui permettre de fournir de façon active la documentation bilingue concernant les appels d'offres dans toutes les régions du Canada où la publication des avis pourrait intéresser des soumissionnaires de la langue minoritaire. Cela se fait maintenant dans la région de la capitale nationale, au Nouveau-Brunswick, dans certaines parties de l'Ontario et du Québec et à Winnipeg. Ailleurs, les soumissionnaires peuvent demander les documents d'appels d'offres dans l'une ou l'autre des deux langues officielles, auquel cas la date limite du concours est reportée pour permettre la traduction des documents.

Le Ministère fait désormais un plus grand usage de la presse de langue minoritaire pour publier ses avis d'appels d'offres et a élaboré une politique à cet égard. Néanmoins, les 27 plaintes reçues à ce sujet en 1989 indiquent qu'il y aurait encore lieu d'accorder une plus grande attention à la question.

Sur le plan de la langue de travail, le Ministère n'a pu garantir aux employés travaillant dans les régions dites bilingues d'être encadrés par un surveillant pouvant communiquer convenablement dans la langue officielle de leur choix. Des 816 surveillants du Ministère qui occupent un poste bilingue, 22,1 p. 100 ne sont pas tenus de devenir bilingues, et le problème est particulièrement grave dans la région de la capitale nationale. Le Ministère doit recourir à des mesures administratives inefficaces. Les services centraux et du personnel sont généralement disponibles dans les deux langues officielles, mais des plaintes révèlent l'existence de difficultés à cet égard dans certains secteurs.

Le taux de participation globale des anglophones a diminué en 1989, soit 70,9 p. 100 en comparaison de 72,7 p. 100 en 1988. La participation anglophone est faible dans la catégorie Soutien administratif (68,9 p. 100) et dans la catégorie Exploitation (62,1 p. 100). Au Québec, la situation s'est améliorée, le taux de participation étant passé de 1,5 p. 100 en 1988 à 3,3 p. 100 en 1989, mais est encore loin d'être équitable. Les francophones représentent maintenant 23,3 p. 100 des membres de la catégorie Gestion, comparativement à 21,1 p. 100 en 1988. Leur nombre a toutefois diminué dans la catégorie Scientifique et professionnelle, passant de 18,3 p. 100 en 1988 à 17,5 p. 100 en 1989. Le Ministère devrait poursuivre ses efforts pour corriger ces déséquilibres.

Le nombre de plaintes à l'endroit du Ministère a augmenté ; il est passé de 29 en 1988 à 51 en 1989. Vingt-sept de ces plaintes dénonçaient le fait que des avis d'appels d'offres n'étaient pas parus dans la presse de langue minoritaire. Des 24 autres plaintes, neuf concernaient l'affichage, six les services de réception fournis par des commissionnaires, quatre des questions de langue de travail et deux les communications téléphoniques. Trois plaintes concernaient respectivement la correspondance, un message enregistré et les exigences linguistiques d'un poste. Le Ministère s'est montré coopératif dans le règlement de ces plaintes.

Via Rail

Les compressions budgétaires annoncées en 1989 ont causé un ralentissement du rythme que s'était imposé Via Rail ces dernières années en matière de réforme du régime linguistique, et l'importante restructuration en cours n'améliorera pas la situation. En conséquence, certains dossiers de service au public particulièrement difficiles, tels que la nomination de personnel bilingue dans les gares et dans les trains, ont très peu progressé. Du côté de la langue de travail, le français n'occupe pas toute la place qui lui revient au siège social et au bureau régional de l'Atlantique. La participation des deux groupes linguistiques reste sensiblement la même par rapport à l'an dernier et elle demeure satisfaisante, compte tenu du mandat de l'organisme, de l'emplacement de ses bureaux et de la clientèle desservie. Bref, la *Loi sur les langues officielles* de 1988 a eu peu d'effet sur la mise en œuvre du programme des langues officielles au sein de cet organisme.

Du point de vue du service au public, l'unilinguisme du personnel dans les contacts avec la clientèle est la principale source de plaintes reçues contre la Société. Il y a deux ans, Via Rail s'était attaquée à ce problème en négociant avec un premier syndicat une entente lui permettant d'assigner des employés bilingues à des postes stratégiques. Malheureusement, ces négociations n'ont guère avancé depuis l'année dernière. La région de l'Ouest n'a conclu aucun accord, tandis que celle de l'Ontario n'a conclu d'entente qu'avec les employés des gares. Les régions du Québec et de l'Atlantique, pour leur part, disposent d'un cadre de travail assorti d'une clause linguistique pour les employés qui œuvrent dans les trains et les gares et qui sont affiliés à la Fraternité canadienne des cheminots, employés de transport et autres ouvriers.

Les licenciements massifs à Via Rail mettent en péril le niveau de bilinguisme actuel de l'organisation et les aménagements linguistiques obtenus ces deux dernières années dans le cadre de certaines conventions collectives. Les mises à pied s'effectueront essentiellement selon l'ordre inverse d'ancienneté des employés, indépendamment de leur compétence linguistique. Déjà, en Nouvelle-Écosse, aucun des 37 postes qui seront maintenus dans les gares ne requiert le bilinguisme : en d'autres termes, la capacité bilingue du personnel y sera désormais laissée au hasard.

Via Rail a suspendu son programme de formation linguistique, en attendant de connaître les effets de la réduction des services sur son personnel. De plus, la Société n'a pas concrétisé son projet de communiquer à la clientèle la liste de ses points de service bilingue. Mentionnons cependant que des directives et une brochure ont été remises aux employés, leur rappelant l'obligation d'offrir dans les deux langues le service aux passagers et la marche à suivre pour s'y conformer.

En matière de langue de travail, le niveau insuffisant de bilinguisme parmi les surveillants est toujours le principal obstacle au libre choix de la langue officielle de travail des employés. Cependant, Via Rail a déployé des efforts afin d'améliorer cette situation. Ainsi, les formulaires d'évaluation du rendement permettront désormais aux employés d'indiquer leur première langue officielle et celle dans laquelle ils désirent être évalués. Par ailleurs, la Société a fait traduire les dernières évaluations de rendement qui n'étaient pas rédigées dans la langue choisie par les employés. Le programme de bilinguisation des consignes de sécurité reliées au fonctionnement et à l'utilisation du matériel roulant, dont nous faisions état l'année dernière, est presque parvenu à terme. Toutes les instructions sont maintenant traduites; le personnel d'inspection en effectue la pose au fur et à mesure que le matériel roulant fait l'objet d'une révision aux ateliers de maintenance à Montréal.

Des 6 863 employés de Via Rail, 2 504 (36 p. 100) sont d'expression française, ce qui représente une baisse d'un peu plus de deux points par rapport à l'année dernière. En dépit de cette fluctuation, la participation des deux groupes linguistiques s'avère équilibrée compte tenu du mandat de la Société, de l'emplacement de ses bureaux et de la clientèle desservie.

Les réductions de personnel au sein de la Société pourraient entraîner des variations importantes de l'équilibre linguistique au lendemain des mises à pied. En effet, 1 436 des 2 761 licenciements prévus (52 p. 100) toucheront les régions du Québec et de l'Atlantique. Étant donné que 92 p. 100 des employés francophones de Via Rail se trouvent dans ces deux régions, la compression des effectifs pourrait toucher davantage ce groupe linguistique, au détriment de l'équilibre global actuel.

La Société a fait l'objet de 27 plaintes cette année comparativement à 38 en 1988. Toutes ces plaintes portaient sur la langue de service. Comme par le passé, l'absence de service en français dans les trains constitue le motif principal des doléances du public.

PARTIE IV

La chronique minoritaire

1. Perspective d'ensemble : quelques percées dans un climat trouble

Le sort des communautés minoritaires, présentes dans tout le pays, est bien sûr souvent lié à l'évolution de la conjoncture politique, aux occasions qu'elle leur offre comme à celles dont elle les prive. Leur avenir dépend aussi des mesures de « protection » que leur offre leur gouvernement provincial notamment l'instruction, les services provinciaux et municipaux dans leur langue, de même que de celles que prend le gouvernement du Canada pour favoriser leur épanouissement, un objectif désormais consacré dans la *Loi sur les langues officielles*. Enfin, il est tributaire de l'action même des communautés et de leur volonté de survivre, voire de leur confiance en leur réussite. Globalement, les communautés minoritaires n'ont pas cessé de s'affaiblir en 1989. Mais à l'aube de la dernière décennie du XX^{e} siècle, un nouveau partenariat semble prendre forme entre le gouvernement du Canada, les minorités de langue officielle et leur gouvernement provincial ou territorial respectif. Il engendre de nouveaux espoirs.

C'est en fonction de ces trois axes que nous faisons le bilan des nouvelles initiatives en matière de concertation interministérielle fédérale et de collaboration intergouvernementale visant la protection et l'épanouissement des minorités, et que nous examinons le climat linguistique et certains de ses effets. Nous abordons la question de l'éducation dans la langue de la minorité, une question cruciale et urgente, sous la rubrique de cette collaboration intergouvernementale. Nous terminons notre tour d'horizon en faisant l'analyse des réalisations et des orientations des communautés et des principaux organismes qui les représentent au plan national, de même qu'en signalant certains aspects de l'action de la Canadian Parents for French et du Commissaire aux langues officielles en faveur de l'épanouissement des minorités. Dans le deuxième chapitre de la présente partie, nous effectuons un bref survol, province par province, des principaux dossiers intéressant les minorités de langue officielle. Les grandes questions linguistiques et juridiques sont abordées à la Partie I.

Année après année, notre rapport annuel tente de prendre le pouls des communautés minoritaires de langue officielle. Si nous y attachons une telle importance,

c'est que leur sort est à la fois lié à l'avenir même du Canada et réciproquement le conditionne de façon non négligeable. Leur affaiblissement appauvrirait l'identité du pays tout entier. À l'inverse, leur renforcement ne saurait que l'enrichir.

En concluant à l'unanimité l'Accord du lac Meech en juin 1987, les onze premiers ministres d'alors ont saisi et reconnu toute l'importance de la dualité linguistique. Ils ont voulu inscrire dans la *Loi constitutionnelle* que l'existence de nos communautés minoritaires constitue « une caractéristique fondamentale du Canada » et qu'à ce titre elles doivent être « protégées »[1].

Dans la foulée de cet énoncé de principes, le Parlement du Canada proclamait dans la *Loi sur les langues officielles* de 1988, l'engagement du gouvernement fédéral d'aller au-delà de la simple « protection » en s'engageant à :

> « favoriser l'épanouissement des minorités francophones et anglophones du Canada et à appuyer leur développement, ainsi qu'à promouvoir la pleine reconnaissance et l'usage du français et de l'anglais dans la société canadienne » (article 41).

Cet engagement lie *chacune* des institutions fédérales, le secrétaire d'État du Canada s'étant vu confier un rôle clé, celui de :

> « suscite(r) et encourage(r) la coordination de la mise en œuvre par les institutions fédérales de cet engagement » (article 42).

La Loi lui confie également, entre autres, la responsabilité :

> « (d')encourager et (d')aider les gouvernements provinciaux à favoriser le développement des minorités francophones et anglophones, et notamment à leur offrir des services provinciaux et municipaux en français et en anglais et à leur permettre de recevoir leur instruction dans leur propre langue » [alinéa 43(1)*d*)].

Cet « épanouissement » que le Petit Robert définit comme « se développer librement dans toutes ses possibilités » trace toute l'ampleur de la tâche. Toute une série de mesures à prendre pour donner effet à cet engagement sont par ailleurs énumérées à l'article 43 de la Loi. Vous trouverez au chapitre 4b de la Partie I une analyse des activités du Secrétariat d'État. Nous examinons ici deux composantes : la concertation interministérielle fédérale et la collaboration fédérale-provinciale. Cette dernière se subdivise à son tour en deux volets : les services provinciaux et municipaux d'une part, l'éducation des minorités dans leur langue, d'autre part.

---

[1] Soulignons que personne à notre connaissance n'a contesté l'à-propos de cette disposition de l'Accord.

Concertation interministérielle

Le Secrétariat d'État a pris certaines initiatives intéressantes dans l'exercice de ce rôle nouveau de concertation interministérielle.

- Grâce à l'aide financière du Secrétariat d'État, la Fédération des francophones hors Québec (FFHQ) et Alliance Québec ont pu identifier les programmes fédéraux ayant des incidences importantes sur le développement des communautés minoritaires.

- Le Secrétariat d'État a préparé un répertoire de ces programmes fédéraux afin de les faire mieux connaître aux minorités, individus et groupes.

- Après avoir consulté ses membres, la FFHQ a dressé une liste des besoins des communautés francophones, par ordre de priorité, et déterminé les programmes les plus importants.

- Le Secrétaire d'État a parrainé des réunions entre la FFHQ et les ministres responsables des organismes suivants : Communications, Santé nationale et Bien-être social (en juin) et Emploi et Immigration (en septembre). Des réunions semblables auront bientôt lieu avec Alliance Québec.

- D'autres réunions ont été organisées avec les directeurs régionaux des ministères fédéraux dans certaines provinces.

Le dialogue est amorcé ; un dialogue tripartite axé sur une approche pragmatique qui aura pour effet de susciter la collaboration. Il est encore trop tôt pour qu'il en soit résulté des modifications à un programme ou aux modalités de sa mise en œuvre. Par exemple, le gouvernement fédéral consacrera quelque 250 millions de dollars pour appuyer la mise sur pied, par les provinces, de garderies. Toutefois, si ces garderies ne tiennent pas compte de la langue de la minorité, elles risquent d'être des foyers d'assimilation plutôt qu'un complément aux « établissements d'enseignement de la minorité », tel que stipulé à l'article 23 de la *Charte canadienne des droits et libertés*. Les mesures prises jusqu'à maintenant, tout comme les ressources humaines qui y sont affectées, restent somme toute bien modestes compte tenu de l'ampleur de la tâche. Nous croyons que le Secrétariat d'État devrait demander aux administrateurs généraux des ministères et sociétés d'État d'élaborer des mécanismes de contrôle et d'évaluation de la mise en œuvre de l'article 41, et de lui présenter un rapport annuel sur leurs réalisations. L'an deux de la mise en œuvre de la Loi devrait débuter sous le signe d'une planification plus rigoureuse et de réalisations plus imposantes.

Collaboration fédérale-provinciale : les services

L'an dernier, nous avions félicité le Secrétaire d'État du Canada pour ses importantes réalisations au chapitre de la collaboration fédérale-provinciale en matière de langues officielles. Le travail s'est poursuivi tout au long de 1989.

- Des ententes subsidiaires ont été conclues avec l'Île-du-Prince-Édouard, le Nouveau-Brunswick et l'Ontario. Ces ententes donnent suite aux ententes-cadres sur la promotion des langues officielles et visent à assurer le financement conjoint de toute une gamme d'initiatives destinées surtout à accroître le nombre de services provinciaux en français offerts par les provinces.

- L'entente Canada-Québec, d'une durée de cinq ans, signée au printemps, prévoit des déboursés d'environ 10 millions de dollars pour la mise en œuvre de la loi 142 garantissant l'accès aux services sociaux et de santé en langue anglaise. Les projets proposés tiennent compte des besoins particuliers des 11 régions socio-sanitaires assujetties aux dispositions de la loi 142. On prévoit notamment des campagnes d'information et de publicité.

- À la fin de l'année, la Nouvelle-Écosse devenait la cinquième province à signer une entente-cadre pluriannuelle. Cette province pourra ainsi bénéficier de l'appui du Secrétariat d'État, entre autres pour la mise en œuvre de sa politique de services en français.

- Un autre accord de collaboration intergouvernemental mérite d'être souligné : celui de la Maison de la francophonie de Vancouver, qui deviendra un foyer de vitalité de la langue française en Colombie-Britannique.

- Enfin, une entente a également été conclue avec le Yukon pour l'élaboration, l'amélioration et la mise en œuvre des droits et des services en français ainsi que d'autres ententes de portée plus limitée, dont certaines avec le Manitoba et les Territoires du Nord-Ouest.

En élargissant la gamme de services offerts dans la langue de la minorité, le gouvernement fédéral et bon nombre de provinces concrétisent ainsi l'engagement pris en juin 1987, de protéger les minorités linguistiques. Il faut aussi souligner l'entrée en vigueur le 1er janvier 1990 dans tout le pays d'une disposition du Code criminel qui garantit à tout accusé un procès devant un juge et un jury parlant sa langue. Mieux encore, les provinces collaborent entre elles comme en témoignent un accord multisectoriel signé à l'été entre le Québec et l'Île-du-Prince-Édouard ou encore la signature, le 14 décembre, par les trois premiers ministres des provinces maritimes d'un protocole de coopération visant à favoriser l'échange d'information et de services au sujet des affaires acadiennes et francophones.

Nous souhaitons vivement que le gouvernement fédéral et l'Alberta signent d'ici peu une entente-cadre de la qualité de celle conclue avec la Saskatchewan au lendemain du jugement de la Cour suprême dans l'affaire Mercure, et que le Manitoba, tout comme la Colombie-Britannique, se joignent au club des ententes-cadres de promotion des langues officielles.

Collaboration fédérale-provinciale : l'enseignement

C'est en 1970, dans le domaine de l'enseignement dans la langue de la minorité et de l'enseignement de la langue seconde, qu'avait débutée la collaboration fédérale-provinciale en matière de langues officielles. Celle-ci donnait suite au Livre II (Éducation) du rapport de la Commission Laurendeau-Dunton qui avait recommandé que les gouvernements provinciaux et territoriaux élargissent leurs programmes d'enseignement dans la langue des communautés minoritaires de langue officielle aux niveaux primaire, secondaire et postsecondaire. La Commission avait également préconisé un enseignement plus poussé de la langue seconde. Le gouvernement fédéral entreprit alors de partager avec les provinces et territoires les coûts supplémentaires découlant de ces programmes. En 1983, une nouvelle entente globale était conclue par l'entremise du Conseil des ministres de l'Éducation du Canada (CMEC). C'est également avec le CMEC qu'était signé, en novembre 1988, un nouveau protocole d'entente consacrant jusqu'au 31 mars 1994 une augmentation des versements du gouvernement fédéral au taux annuel moyen de 3,8 p. 100. À la fin de 1989, de nouvelles ententes bilatérales avaient été conclues avec chaque province et territoire. Ces accords mettent la priorité sur l'élaboration de nouveaux programmes plutôt que sur le soutien de ceux qui existent déjà; les versements aux fins de « l'infrastructure » dépendent en effet du nombre d'élèves inscrits. C'est ainsi qu'était entamée la vingtième année d'une collaboration intergouvernementale fructueuse.

À la suite de l'entrée en vigueur de la *Charte canadienne des droits et libertés*, le 17 avril 1982, bon nombre d'intéressés s'attendaient à voir des résultats plus spectaculaires que ceux dont ils ont été témoins. Un profond désenchantement a progressivement remplacé l'enthousiasme des premières heures chez les francophones de l'extérieur du Québec. Dans la majorité des provinces, le nombre d'établissements de la minorité, qui ont été créés au cours des huit dernières années, est loin de correspondre aux besoins des communautés minoritaires et de respecter leurs droits.

Commission nationale des parents francophones

C'est sans doute pour cette raison que la Commission nationale des parents francophones (CNPF) avait vigoureusement réclamé du gouvernement fédéral l'appui financier nécessaire à la réalisation de sa mission : récupérer d'ici l'an 2000, dans chaque province et territoire, une bonne majorité des jeunes visés par l'article 23 afin qu'ils aient accès à une instruction de qualité en français, dispensée dans des établissements d'enseignement contrôlés par la minorité. Nous nous sommes réjouis lorsque le secrétaire d'État répondit à l'appel, en accordant à la Commission et à ses composantes provinciales et territoriales des ressources financières qui allaient leur permettre de s'attaquer, en 1989, avec plus de sérieux à une tâche d'une telle envergure.

Comment la CNPF et ses composantes provinciales et territoriales entendent-elles s'acquitter d'une telle mission ? Ses dirigeants estiment que la concrétisation des

droits scolaires des minorités passe d'abord par l'élaboration d'un plan de mise en œuvre pour chaque province et territoire. Cette planification doit tenir compte de l'état actuel du développement de l'enseignement en français et des particularités du système d'éducation de chaque juridiction.

Au départ, les parents s'attendaient à ce que leurs gouvernements respectifs élaborent, en consultation avec les principaux partenaires en éducation et sans attendre un arrêt de la Cour suprême, le plan de mise en œuvre de leurs nouveaux droits scolaires. Mais face à une attitude essentiellement réactive et à la suite de recours répétés aux tribunaux, les parents se sont rendus à l'évidence qu'ils auraient à concevoir le système d'éducation approprié eux-mêmes et à en réclamer la mise en œuvre dans les meilleurs délais. Ils devront donc établir la carte du réseau des écoles élémentaires et secondaires qui devra éventuellement desservir la majeure partie de la clientèle admissible. Cette démarche facilitera dans un deuxième temps la conception de la structure administrative et du système aptes à assurer la gestion de l'instruction et des établissements de la minorité dans chacune des juridictions où elle fait défaut.

Les plans d'action adoptés en février dernier au Congrès national des parents francophones comprennent deux grands volets d'action. Le programme de maintien assurera la formation continue des bénévoles et la liaison entre les divers intervenants et fournira un appui professionnel et technique aux comités de parents là où des programmes sont offerts. Le programme de développement regroupera les parents qui veulent obtenir des services scolaires en français et leur fournira l'appui nécessaire à leurs revendications : documents d'information, outils de sensibilisation, démarchage efficace et préparation, au besoin, de recours judiciaires.

L'absence d'un réseau adéquat de garderies et de maternelles de langue française entraîne souvent l'anglicisation des enfants francophones avant même qu'ils ne fréquentent l'école. Pour contrer ce problème, la CNPF a élaboré un projet de recherche visant à établir un réseau pancanadien de garderies françaises en milieu minoritaire. On retracera d'abord les enfants d'âge préscolaire dont au moins un des parents, conformément à l'alinéa 23(1)*a*) de la Charte, est de langue maternelle française. On élaborera ensuite le contenu pédagogique du programme et on formera le personnel de soutien et les bénévoles.

Le mouvement de parents francophones a rapidement tiré profit des nouvelles ressources mises à sa disposition et est passé à l'action. D'un bout à l'autre du pays, ses réalisations se sont vite multipliées. Ainsi, en moins d'un an, quelque 65 nouveaux comités de parents (dont 20 au niveau préscolaire) se sont ajoutés aux 436 comités de parents du réseau qui compte plus de 30 000 bénévoles actifs.

L'article 23 et le Québec

Au Québec, le jugement de la Cour suprême du Canada rendu en 1984 dans l'affaire de l'Association des commissions scolaires protestantes du Québec c. le

Procureur général du Québec a eu pour effet d'étendre les droits à l'instruction dans la langue de la minorité aux enfants des citoyens canadiens qui ont reçu leur instruction au niveau primaire ou secondaire en anglais au Canada (plutôt qu'au Québec seulement comme le voulait la *Charte de la langue française*). Rappelons qu'en vertu d'une disposition générale énoncée à l'article 59 de la *Loi constitutionnelle de 1982*, l'alinéa 23(1)*a*) portant sur le critère de la langue maternelle ne sera proclamé en vigueur au Québec que lorsque l'Assemblée législative ou le gouvernement du Québec l'aura autorisé. Dans ce contexte, le déclin marqué du nombre d'inscriptions dans les écoles anglaises (de 248 000 élèves en 1970-1971 à 104 000 en 1988-1989) préoccupe beaucoup les Canadiens d'expression anglaise de la province. Attribuable à de nombreux facteurs dont la baisse des naissances et l'exode des anglophones, ainsi que l'accroissement de la fréquentation des écoles françaises, ce phénomène n'est pas sans créer de sérieux problèmes.

Conscient de l'érosion de plus en plus marquée de l'homogénéité linguistique des secteurs protestant et catholique, le gouvernement du Québec a proposé, par le biais de la loi 107, la création de conseils scolaires établis sur une base linguistique plutôt que confessionnelle. Cependant, comme ces dispositions pourraient entrer en conflit avec l'article 93 de la *Loi constitutionnelle de 1867* portant sur les écoles confessionnelles, le gouvernement du Québec a choisi de les soumettre à un renvoi auprès de sa Cour d'appel pour qu'elle donne son avis sur leur constitutionnalité. Malgré certaines réserves, nombreux sont les porte-parole de la communauté anglophone qui ont accueilli favorablement cette démarche, tout en souhaitant que, dans le cas de délais imprévus, la province prenne elle-même l'initiative d'une modification constitutionnelle de l'article 93. On trouvera plus de détails à ce sujet sous la rubrique « Québec » dans le prochain chapitre.

Une étude sur la portée et la mise en œuvre de l'article 23

Le Commissariat aux langues officielles a également voulu contribuer à la mise en œuvre de l'article 23. Sa réflexion sur cette question fut d'ailleurs nourrie par les échanges de vues entre le Commissaire et les principaux intéressés au cours de ses voyages au pays. Ses entretiens sur ce sujet avec le ministre de l'Éducation de la plupart des provinces et territoires et avec la majorité des premiers ministres ont donné quelques résultats et ont confirmé à ses yeux la nécessité d'entreprendre une étude globale sur la portée de l'article 23 et la problématique de sa mise en œuvre au pays. Le Commissariat souhaitait en effet mettre à la disposition de l'ensemble des intervenants un ensemble de données et d'analyses qui faciliteraient la concrétisation des droits scolaires des minorités. Nous espérons rendre publics les résultats de cette étude d'ici l'été 1990. Nous en donnons ici les grandes lignes.

Dans un jugement rendu en 1984 dans la cause de l'Association des commissions scolaires protestantes du Québec c. le Procureur général du Québec, la Cour suprême du Canada avait déclaré : « … le constituant a manifestement jugé déficients certains des régimes en vigueur au moment où il légiférait, et peut-être

même chacun de ces régimes, et il a voulu remédier à ce qu'il considérait comme leurs défauts par des mesures réparatrices uniformes, celles de l'article 23 de la Charte, auquel il conférait en même temps le caractère d'une garantie constitutionnelle ». Sur les 16 causes portées devant les tribunaux depuis 1982 pour clarifier le sens et la portée de cet article, treize jugements ont été rendus. Le premier chapitre de cette recherche présente une synthèse de cette jurisprudence et retrace l'évolution du sens que les tribunaux ont donné aux critères d'éligibilité, au mot « instruction » ainsi qu'aux notions d'« établissements d'enseignement », de « gestion » et d'égalité dans la qualité des services.

Le deuxième chapitre nous donne pour chaque province et les deux territoires le contexte historique et la description du système d'éducation, en plus de présenter des données statistiques sur la clientèle admissible, les inscriptions aux programmes d'enseignement dans la langue de la minorité et le nombre d'écoles de langue française et de langue anglaise.

Dans le troisième chapitre, on analyse la problématique de la gestion ainsi que les composantes de la gestion scolaire contemporaine, en mettant en relief les éléments les plus pertinents en regard du contrôle par la minorité de ses établissements. Dans un quatrième chapitre, chacun des modèles actuels ou proposés de gestion scolaire pour les minorités sont présentés et évalués par catégorie, à partir d'une grille fonctionnelle, en faisant ressortir les forces et les faiblesses de chacun. Enfin, dans le dernier chapitre, on dégage les principales conclusions de l'étude et on formule des recommandations.

Le niveau postsecondaire

Le réseau collégial et universitaire de langue anglaise au Québec fournit un large éventail de programmes et permet, malgré les difficultés de financement qu'il connaît et dont nous faisons notamment état au chapitre suivant, d'assurer à la minorité d'expression anglaise un taux élevé de fréquentation des études postsecondaires. Nous analysons ici la situation des minorités dans le reste du pays.

Les possibilités d'accès à un enseignement dans la langue de la minorité à l'extérieur du Québec, et plus encore l'égalité d'accès, ne seront possibles que dans la mesure où il existera un système d'éducation intégré du préscolaire (garderie et maternelle) à l'université. Les problèmes posés par l'enseignement postsecondaire en langue française à l'extérieur du Québec sont particulièrement complexes. Nous ne disposons d'ailleurs pas de données fiables sur les taux de fréquentation universitaire des francophones de l'extérieur du Québec, mais celles produites en Ontario en 1985, bien qu'on ne puisse les généraliser, révèlent une partie du problème avec acuité. Il avait été établi[2] que le taux de participation des Franco-Ontariens à l'enseignement postsecondaire était de 50 p. 100

[2] Churchill, Frénette et Quazi, *Éducation et besoins des Franco-Ontariens : le diagnostic d'un système d'éducation*, Conseil de l'éducation franco-ontarienne, novembre 1985.

inférieur à celui des non-francophones. Or, les possibilités d'accès aux programmes postsecondaires en français en Ontario — la création de la Cité collégiale et d'un éventuel réseau de collèges d'arts appliqués et de technologie de langue française viendront bientôt rationaliser l'ensemble de ce secteur — excèdent déjà largement celles offertes à la plupart des autres communautés francophones en situation minoritaire. C'est aussi dans les régions où les francophones sont relativement peu nombreux et les choix très restreints que pourrait se manifester une demande plus forte découlant d'une mise en œuvre plus complète de l'article 23. Comment relever le défi ?

Compte tenu du nombre d'inscriptions nécessaires pour soutenir des programmes d'enseignement spécialisés, d'une part, et des possibilités offertes grâce à l'enseignement à distance d'autre part, les avantages de tirer profit du réseau des universités françaises du Québec sont manifestes. Cependant, avant de s'engager dans cette voie, il importe de renforcer les institutions existantes dans toute la mesure du possible. Le rôle qu'elles jouent auprès des communautés qu'elles desservent est primordial. Ces institutions devront d'ailleurs s'entendre sur une complémentarité fonctionnelle axée sur la création de centres et de réseaux d'excellence servant d'appui aux secteurs forts de l'économie dans leurs régions respectives. Dans les domaines très spécialisés, les étudiants se verront néanmoins dans l'obligation de poursuivre leurs études supérieures au Québec ou ailleurs. Il importe d'en arriver rapidement au plus large consensus possible parmi les intéressés afin de mieux servir la clientèle étudiante de demain.

Pourquoi tarde-t-on à passer aux actes ? Il faut tenir compte de deux caractéristiques de notre système. Le premier, c'est qu'au Canada l'éducation relève de dix provinces et de deux territoires. Qui plus est, sauf exception, l'autorité en la matière est partagée entre un ministère de l'Éducation et un de l'Enseignement supérieur... auxquels s'ajoute parfois un ministère responsable de l'enseignement technique et professionnel. Le deuxième, c'est que les universités sont des institutions privées : traditionnellement elles protègent, parfois jalousement, leur autonomie. Dans le cas des institutions bilingues ou partiellement de langue française, les besoins parfois divergents de leurs deux clientèles linguistiques viennent compliquer la situation. Enfin, l'unité d'action est rendue difficile en raison du morcellement de l'autorité. Pourtant, la clientèle à desservir est trop petite pour ne pas être vue comme une seule entité. Dans un tel contexte, c'est la voie de la collaboration et de la concertation dans l'établissement de réseaux inter-institutionnels qu'il faut privilégier.

Au cours d'une première réunion tenue à Montréal le 31 mars 1989, des représentants des neuf institutions concernées ont précisément défini un certain nombre de caractéristiques communes et se sont entendus sur l'utilité d'offrir un éventail élargi de programmes d'enseignement postsecondaire de qualité en français. Avec l'appui de l'Association des universités partiellement ou entièrement de langue française (AUPELF) et de l'Association des universités et

collèges du Canada (AUCC), les recteurs des institutions concernées ont entre autres jeté les bases d'une uniformisation des critères d'admissibilité, d'obtention de diplômes et de reconnaissance des titres de compétence, ce qui devrait faciliter la mobilité des étudiants et des professeurs. Une rencontre des recteurs à Sudbury en janvier devrait permettre d'établir les paramètres de cette coopération accrue entre les universités.

Le climat linguistique

L'année 1989 fut marquée à l'échelle du pays par l'ampleur croissante du débat sur l'Accord du lac Meech et par les réactions qu'a engendrées l'adoption de la loi 178 au Québec et des lois linguistiques de Regina et d'Edmonton. Les lettres ouvertes passionnées ont foisonné dans la presse. Se sont ajoutées à cela les protestations du parti CoR, en particulier au Nouveau-Brunswick, et du regroupement APEC, surtout en Ontario, contre la nouvelle loi fédérale sur les langues officielles et certaines lois et politiques de plusieurs gouvernements provinciaux. Dans ce climat trouble, parfois survolté, la vie quotidienne des minorités a parfois été pénible. La communauté d'expression anglaise du Québec et son organisme porte-parole, Alliance Québec, ont eu beaucoup de mal à se remettre des effets d'un double choc : l'adoption de la loi 178 et l'incendie qui a ravagé les bureaux de l'organisme à la fin de l'année.

Paradoxe intéressant, cette atmosphère empoisonnée a eu en certains lieux des retombées positives. C'est ainsi qu'au sein des majorités, certaines personnes soucieuses de voir plus loin rompirent le silence. Des dirigeants politiques et des journalistes ont cherché à assainir le débat linguistique, à mettre les faits en perspective et à donner des analyses de qualité. Soulignons à ce chapitre le rôle de premier plan joué au Nouveau-Brunswick par le *Telegraph-Journal* (et le *Evening Times-Globe)* de Saint-Jean et son rédacteur en chef, Fred Hazel. *L'Acadie Nouvelle*, grâce en particulier à Jean-Marie Nadeau, son nouveau rédacteur en chef, est aussi venue encourager le dialogue. Ces trois journaux ont notamment pris l'initiative de publier *in extenso* le dossier spécial que le Commissariat consacrait au Nouveau-Brunswick dans son numéro de décembre de *Langue et Société*, commémorant le 20e anniversaire de l'adoption de sa *Loi sur les langues officielles*.

Pendant ce temps, nos minorités se serraient les coudes. Leurs porte-parole prirent part aux débats en tentant de mieux faire comprendre leur situation, leurs besoins et leur vision de l'avenir en tant que partenaires.

On ne saurait parler du climat linguistique sans faire état du travail parfois remarquable accompli par plusieurs provinces pour répondre aux attentes de leurs communautés minoritaires et pour favoriser la progression de celles-ci vers l'égalité. Le détail des réalisations étant présenté dans le prochain chapitre, nous en signalons ici l'essentiel.

- Le gouvernement de la Saskatchewan conservait son insuffisante loi linguistique mais annonçait à la fin de 1989 la création de l'Office de coordination des affaires francophones et de traduction et en nommait le directeur. Qui plus est, ce gouvernement mettait au point un processus de planification de la mise en œuvre des droits scolaires de la minorité qui assurait aux porte-parole des Fransaskois une représentation suffisante. Le rapport du groupe de travail dirigé par M. Edgar Gallant ayant été sanctionné par le gouvernement, on commençait dès l'automne l'édification d'un système d'éducation fransaskois. Ce système pourrait être fonctionnel dès septembre prochain.

- Dix ans après le jugement de la Cour suprême dans l'affaire Forest, le premier ministre Gary Filmon du Manitoba annonçait son intention de renforcer la politique manitobaine des services en français dans les régions désignées, mais non pas de l'enchâsser dans une loi, pour y inclure toutes les sociétés d'État et un bon nombre d'hôpitaux et d'agences de services sociaux. Cette politique stipule que quelque 130 bureaux et services gouvernementaux devront offrir des services en français. Elle prévoit en outre des panneaux routiers bilingues dans certaines régions. Cette annonce provoqua beaucoup d'éloges, autant des partis de l'opposition que des médias et ne suscita que quelques réserves du porte-parole de Grassroots-Manitoba, Grant Russell.

- Le gouvernement de l'Ontario pour sa part est resté inébranlable dans sa volonté de mettre en œuvre la *Loi sur les services en français* entrée en vigueur le 19 novembre dernier.

- Le gouvernement du Québec refusait de bouger en ce qui a trait à la loi 178, mais franchissait avec davantage d'empressement les étapes nécessaires à la mise en œuvre de la loi 142 qui assure la prestation de services sociaux et de santé en langue anglaise. Son ministre de l'Éducation annonçait par ailleurs l'allocation de fonds supplémentaires pour l'enseignement du français langue seconde, et l'adoption d'une nouvelle formule visant à équilibrer d'ici 1992 le financement des universités McGill, Bishop's et Concordia.

- Au Nouveau-Brunswick, le premier ministre Frank McKenna annonçait son intention de légiférer avant la fin de 1990, afin de reconnaître le droit des Néo-Brunswickois d'être entendus par un juge qui parle leur langue. Le premier ministre McKenna confirmait également son intention d'enchâsser dans la Constitution canadienne la loi 88 qui reconnaît l'égalité des deux communautés linguistiques de la province.

- Le gouvernement de l'Île-du-Prince-Édouard procédait à la mise en œuvre d'une politique globale de services en français. De plus, il s'engageait à faire appliquer pleinement les droits scolaires des francophones de l'Île.

De toute évidence, un nombre croissant de provinces acceptent la responsabilité qui leur incombe de mieux protéger et desservir leurs minorités. Il s'agit là

d'initiatives prometteuses. Les autres provinces pourraient fort bien s'inspirer de ces succès dans les mois à venir. Nous sentons certainement le souffle d'une nouvelle volonté politique qui pourrait consolider, avant qu'il ne soit trop tard, les assises de la dualité linguistique canadienne dans plusieurs provinces du pays.

Les communautés minoritaires

Dispersées sur l'ensemble du territoire canadien, la plupart des communautés minoritaires ont continué de s'affaiblir numériquement. Pour les transferts linguistiques entre francophones et anglophones, les anglophones du Québec, notamment à cause de leur concentration à Montréal, enregistrent un léger gain. En outre, parmi les allophones qui en 1986 indiquaient avoir adopté l'une ou l'autre langue officielle, les trois quarts avaient choisi l'anglais. La réduction des effectifs de la minorité anglophone est due à une forte émigration qui, au dernier recensement, avait par ailleurs considérablement diminuée.

L'anglicisation demeure la principale cause de la diminution des effectifs des minorités francophones. Inquiète du taux d'assimilation élevé surtout parmi les jeunes de la plupart des régions du pays, la Fédération des jeunes Canadiens français a entrepris une enquête nationale sur le sujet. Le recensement de 1986 nous rappelait cependant que les Acadiens du Nouveau-Brunswick manifestent une résistance à l'adoption de l'anglais qui est aussi remarquable par sa force que par sa stabilité, au moins depuis 1971. Le taux d'assimilation est resté à 7 p. 100, en dépit d'importantes variations régionales. Cette situation s'explique surtout par un taux de natalité légèrement avantageux, par un bilan migratoire beaucoup moins défavorable qu'auparavant et par la vigueur de l'industrie des pêches et du secteur minier dans le nord-est de la province. Le dernier recensement nous apprenait également que le taux d'assimilation chez les francophones de l'Ontario avait diminué et qu'à l'analyse, l'indice de continuité linguistique — les effectifs de langue au foyer divisés par les effectifs de langue maternelle — avait légèrement augmenté. Il est passé de 70,5 p. 100 en 1981 à 71,1 p. 100 en 1986 alors qu'il avait diminué entre 1971 et 1981.

D'aucuns se réconfortent par ailleurs à l'idée qu'il y a eu un certain progrès sur le plan qualitatif. Les francophones qui résistent à l'assimilation auraient-ils réussi à développer une meilleure carapace ? Les anglophones qui ont décidé de rester au Québec auraient-ils développé une identité de groupe plus forte ? Chose certaine, les communautés minoritaires, où qu'elles soient au pays, sont bien vivantes, parfois vibrantes, et dans l'adversité, leur détermination est souvent remarquable. Leur vie associative est beaucoup plus riche qu'il y a une décennie et leur réseau d'organismes plus diversifié.

Les minorités francophones

Les associations francophones nationales se sont attaquées à des défis de taille en 1989. À la tête du peloton, la Fédération des francophones hors Québec (FFHQ) réunissait dans le cadre d'un congrès en juin dernier quelque 150 participants de toutes les provinces et territoires du pays pour les convier à une

réflexion d'envergure. C'était au lendemain de la profonde déception qu'elle avait exprimée au nom de ses membres à l'endroit de la position prise par le gouvernement du Québec devant la Cour suprême dans la cause Bugnet-Mahé contre la reconnaissance du droit des minorités de gérer leurs écoles. La démarche du Congrès visait à évaluer l'incidence du projet linguistique canadien issu des travaux de la Commission Laurendeau-Dunton sur la condition minoritaire et à dégager de nouvelles orientations. En conclusion, même jumelés, les deux grands volets du projet linguistique canadien, soit le bilinguisme institutionnel du Gouvernement et de ses tribunaux et les diverses formes d'appui du gouvernement fédéral aux minorités (radiotélédiffusion, soutien aux organismes communautaires, financement partagé de l'enseignement des langues officielles, appui à la prestation par les provinces de services essentiels dans la langue de la minorité, etc.) n'ont pas suffi, malgré toute leur importance, à enrayer l'assimilation. Comment, s'est-on demandé, assurer l'épanouissement de nos communautés ?

La langue française, à l'extérieur du Québec, doit devenir quelque chose d'utile, autant « pour les jeunes que les personnes âgées, dans les activités principales du quotidien » déclarait aux journalistes Guy Matte, aux termes du Congrès qui venait de lui confier un mandat de deux ans à la présidence. Changement de cap au sein de la Fédération des francophones hors Québec, l'édition du lendemain du quotidien *Le Droit* titrait, « du bilinguisme à la dualité linguistique ». À l'exemple des systèmes scolaires de langue française, la FFHQ veut-elle maintenant que soient créées d'autres « zones institutionnelles protégées » notamment dans des domaines vitaux tels que la santé et les services sociaux et communautaires ? Circonscrire la place des francophones de l'extérieur du Québec au sein de la francophonie canadienne de même que leur rôle dans le Canada de demain, tels sont les paramètres d'un projet de société pour l'an 2000 que la FFHQ se propose d'élaborer d'ici l'été 1991.

Parallèlement, la Fédération poursuivait son action sur plusieurs fronts : dossier constitutionnel dans lequel elle se montre de plus en plus favorable, en outre, à l'Accord du lac Meech, consultations sur les règlements prévues en vertu de la *Loi sur les langues officielles*, radiodiffusion, analphabétisme.

Au chapitre de l'action d'autres associations nationales, soulignons le succès qu'a connu la Fédération culturelle des Canadiens français (FCCF) dans l'élaboration et les premières réalisations d'une politique générale de développement culturel des francophones de l'extérieur du Québec depuis le colloque « Visa pour la culture » de juin 1988. Forte de ses importantes réalisations dans le domaine de la radio communautaire, la Fédération des jeunes Canadiens français (FJCF), de plus en plus préoccupée par les faibles possibilités offertes aux jeunes de poursuivre des études postsecondaires en français et par les conséquences qui découlent de cet état de choses, a entrepris une recherche d'envergure sur cette question. Le rapport sera rendu public au début de 1990. La FJCF a également

lancé au printemps dernier son projet « Vision d'avenir », une vaste opération de recherches et de consultations qui aboutira à la formulation de mesures concrètes pour enrayer l'assimilation là où il faut concentrer l'effort, chez les jeunes.

Les Anglo-Québécois

L'année 1989 fut certainement une année particulièrement mouvementée pour la communauté anglophone du Québec. Personne n'était resté indifférent devant les trois événements majeurs qui avaient marqué la fin de 1988 : la décision de la Cour suprême du Canada concernant la langue de l'affichage commercial, l'adoption de la loi 178 à la suite de cette décision, et l'incendie du 30 décembre qui a ravagé les bureaux d'Alliance Québec à Montréal. Mécontents et consternés devant le recours à la clause nonobstant, Alliance Québec, de même que le Committee for Anglophone Social Action, l'Outaouais Alliance, la Châteauguay Valley English-Speaking People's Association, la Townshippers Association et la Voice of English Quebec ont organisé des assemblées publiques dans toute la province en janvier et février.

Fermement résolus à faire connaître leurs préoccupations au sujet de divers dossiers intéressant leur communauté, des membres d'Alliance Québec se sont rendus à Québec, le 4 avril, pour rencontrer les députés. Les 150 membres ont reçu un accueil sinon chaleureux du moins poli de la part des députés du gouvernement comme de l'Opposition. Pour sa part, le Commissaire a eu l'occasion d'apprendre de première main les vues des membres d'Alliance Québec lorsqu'il a pris part à leur assemblée annuelle, en mai. À la fin de l'été, Alliance Québec a demandé à ses membres — geste sans précédent — de manifester leur mécontentement à l'égard de la loi 178 en envisageant de voter pour un tiers parti ou, faute de mieux, en annulant leur bulletin de vote aux prochaines élections provinciales.

Alliance Québec a appuyé un groupe de citoyens qui, avec la ville de Rosemère, a intenté des poursuites contre l'Office de la langue française (OLF) en septembre, afin de contester la décision de celui-ci de révoquer le statut bilingue de cette municipalité. L'Alliance a fait valoir que si l'OLF peut révoquer ce statut, il a peut-être le pouvoir de mettre en cause le statut d'autres municipalités, d'établissements de soins de santé ou de services sociaux ou encore d'établissements d'enseignement qui dispensent des services à la population anglophone.

Alliance Québec a poursuivi en 1989 ses activités en faveur de la défense et de la promotion d'un Canada bilingue, une vision qui repose sur la vitalité des communautés minoritaires de langue officielle. L'association a profité du débat entourant l'Accord du lac Meech pour exprimer ses vues au sujet de la protection des droits individuels et des droits des minorités. Elle s'est notamment présentée devant le comité législatif du Nouveau-Brunswick chargé de l'étude de l'Accord. En juin, elle est intervenue dans l'affaire Mahé-Bugnet dont était saisie la Cour suprême du Canada en raison de l'importance vitale que revêtent pour les minorités le contrôle et la gestion de leurs écoles. Lors des consultations

menées par la Direction des langues officielles du Conseil du Trésor en vue de la prise des règlements d'application de la nouvelle *Loi sur les langues officielles*, Alliance Québec, de concert avec ses sections régionales, a engagé la Direction à adopter une définition large et souple des notions de demande importante et de vocation du bureau.

Enfin, en octobre, Robert Keaton prenait la barre d'Alliance Québec. Il succédait à Royal Orr qui a quitté la présidence de l'association en mars pour poursuivre une carrière dans le domaine de la radiodiffusion. (Peter Blaikie, alors président du conseil d'Alliance Québec, a servi de principal porte-parole dans l'intervalle.) C'est aussi en octobre que l'organisme a emménagé dans ses nouveaux locaux du centre-ville de Montréal, clôturant ainsi un processus de reconstruction ayant nécessité une bonne partie de l'année. Les bénévoles, habilement secondés par un personnel dont la direction vient d'être confiée à Marie-Andrée Bastien, sont manifestement prêts à relever les défis des années 90.

D'autres préoccupations de la communauté anglophone du Québec sont examinées en profondeur au chapitre suivant.

La Canadian Parents for French

Depuis longtemps défenseur de la dualité linguistique et des droits des francophones à l'extérieur du Québec à recevoir un enseignement dans leur langue, le groupe Canadian Parents for French (CPF) a continué encore cette année à collaborer avec des associations francophones de l'extérieur du Québec dans la réalisation d'objectifs communs. Par exemple, le chapitre de l'Ontario a cherché à contrer la désinformation entourant la *Loi sur les services en français* dans cette province en consacrant un numéro spécial de son bulletin à ce sujet, adressant au besoin des lettres aux journaux, et en participant à des débats et à des lignes ouvertes. Le Festival national d'art oratoire de la CPF continue à intéresser autant les jeunes étudiants francophones que les étudiants anglophones apprenant le français. Enfin, le projet Rendez-vous Canada cherche à réunir des étudiants des deux communautés linguistiques dans le but de les sensibiliser à la vitalité de la langue française dans leur milieu.

L'action du Commissaire

Par souci de se tenir à l'écoute des Canadiens, de témoigner son appui à l'endroit des minorités et de continuer à sensibiliser le grand public à la réforme du régime linguistique, le Commissaire a, comme de coutume, effectué des voyages durant l'année dans les différentes régions du pays. L'explication de la nouvelle *Loi sur les langues officielles*, et en particulier de ses dispositions relatives aux minorités, ainsi que l'examen et la discussion des problèmes de chaque communauté ont occupé une place de choix lors de ses rencontres avec des gestionnaires fédéraux, des premiers ministres, des ministres, des représentants des

groupes minoritaires, des associations de parents, des administrateurs scolaires et des universitaires et autres enseignants, de même qu'avec les éditorialistes et autres représentants des médias. Le Commissaire vient ainsi étayer le travail indispensable accompli par le personnel des bureaux régionaux et les agents de liaison qui œuvrent à temps partiel. On trouvera à l'annexe A une description plus détaillée de ses activités et de celles du Commissariat.

2. Province par province : par monts et par vaux

Comme par le passé, le présent chapitre donne un bref aperçu, par province, des grands dossiers de l'année aux plans juridique, éducatif, institutionnel et communautaire. La jurisprudence récente en matière de droits linguistiques est également commentée au chapitre 2 de la Partie I.

L'Ouest

En tout, 180 000 francophones habitent les quatre provinces occidentales et les deux territoires. Leurs différentes collectivités forment de 5 à 1,6 p. 100 de la population de leurs régions respectives et les taux d'assimilation sont élevés ces dernières années. Par ailleurs, grâce aux efforts des francophones eux-mêmes, une infrastructure institutionnelle de plus en plus importante, qui devrait stopper ce raz de marée et peut-être même inverser le courant, a été mise en place. L'élément le plus déterminant à cet égard est à n'en pas douter le système scolaire. Très lents mais soutenus, les progrès varient sensiblement selon les régions.

Au **Manitoba**, en janvier, une rencontre entre le premier ministre Filmon et la Société franco-manitobaine (SFM) a suscité la reprise des activités d'un comité conjoint réunissant des représentants du gouvernement et de la minorité francophone. La SFM a profité des travaux de ce comité pour aborder les dossiers suivants : la gestion et la direction des écoles francophones ; la prestation de services en français et l'Accord du lac Meech, soulignant que ce dernier devrait obliger les provinces à promouvoir leur minorité de langue officielle. En novembre, le gouvernement a soumis à l'Assemblée législative sa politique tant attendue touchant les services en langue française. Cette politique s'applique aussi aux sociétés d'État et aux programmes sociaux et de santé, et incite environ 150 administrations à offrir activement leurs services en français dans certaines régions désignées. La politique prévoit en outre la bilinguisation des formulaires, des documents d'information d'intérêt général et de la correspondance dans les régions qui regroupent une population francophone appréciable. Ces importantes mesures ont été bien accueillies par tous, et particulièrement par la SFM. Il y a

cependant lieu de noter qu'elles n'ont pas été consacrées par une loi et qu'elles peuvent ainsi être éventuellement révoquées.

De son côté, le ministère de l'Éducation du Manitoba a lancé un projet-pilote de télé-enseignement qui fait appel à la technologie de pointe pour dispenser des cours en langue française dans quatre écoles de la province. Si l'expérience s'avère un succès, on pourra ainsi offrir aux petites écoles un éventail de cours beaucoup plus large. Cela est extrêmement prometteur, puisque nombre de collectivités françaises de l'Ouest se trouvent dans des régions rurales. D'autre part, les Franco-Manitobains attendent avec impatience la décision de la Cour d'appel de la province quant au renvoi portant sur l'interprétation de l'article 23 de la *Charte canadienne des droits et libertés* eu égard à la gestion et à la direction des écoles de la minorité provinciale.

Les réalisations culturelles de la communauté francophone ne pourront que se multiplier grâce à la subvention de un million de dollars consentie par les autorités fédérales et provinciales pour la rénovation du Centre culturel franco-manitobain. De la sorte, le Centre pourra utiliser pleinement ses installations et en faciliter l'accès aux personnes qui se déplacent en fauteuil roulant.

Autre initiative marquante : le lancement d'une campagne de souscription pour la création d'une station de radio communautaire au Manitoba. Comme on a pu le constater ailleurs, la radio communautaire joue un rôle de plus en plus décisif dans le renforcement de l'identité et du dynamisme des petites collectivités minoritaires. La nouvelle station CKXL devrait recevoir en 1990 l'autorisation du CRTC d'entrer en ondes. Sa programmation viendra s'ajouter au nombre grandissant des émissions en langue française diffusées au Manitoba depuis que les signaux de TV5 et de Télémétropole ont pu être captés pour la première fois, à l'été, à l'est de la rivière Rouge.

Dans le domaine des services municipaux, c'est à la fois de progrès et de conflits qu'il faut parler. On peut porter à l'actif du bilan le congrès de fondation de l'Association des municipalités bilingues ainsi que la décision des autorités de la ville de Winnipeg d'accorder une haute priorité aux services dans les deux langues officielles au cours de la prochaine année. Ajoutons que le Comité exécutif de cette municipalité a par ailleurs adopté à l'unanimité une résolution invitant les représentants de la ville et le ministère provincial des Affaires municipales à réexaminer les dispositions de la Partie III de la *Loi sur la ville de Winnipeg* touchant la langue de service. À l'heure actuelle, la Loi ne traite que de la prestation de services en français et en anglais à Saint-Boniface et à Saint-Vital. Quant à la question des parcomètres bilingues, elle a été référée au contentieux de la ville, après avoir été débattue par le conseil municipal.

L'ordonnance unilingue du Conseil des ministres visant la création d'une commission d'enquête sur le traitement des autochtones a été déclarée invalide par la

Cour d'appel du Manitoba, ce qui pourrait créer un important précédent. Dans sa décision, la Cour a précisé que les documents d'intérêt public, même ceux de nature administrative, devaient être disponibles en français et en anglais. Ce jugement s'appuyait sur la décision de la Cour suprême du Canada de 1985 (l'affaire Bilodeau) dans laquelle le plus haut tribunal du pays avait déclaré que la *Loi sur le Manitoba* de 1870 — qui consacrait officiellement le caractère bilingue de la législature provinciale — était toujours en vigueur. En conséquence, il se pourrait bien que le gouvernement manitobain soit tenu de traduire tous les décrets du Conseil. À noter également, sur le front juridique, la création de l'Association des juristes d'expression française du Manitoba. (Voir le chapitre 2 de la Partie I qui traite des droits linguistiques.)

En **Saskatchewan**, où le gouvernement avait adopté l'an dernier une législation linguistique décevante, la plupart des développements survenus au cours de l'année sont pour l'essentiel attribuables à l'esprit de coopération qui s'est établi entre la province et les autorités fédérales à la suite de l'entente-cadre Canada-Saskatchewan. Les progrès les plus sensibles auxquels cet accord a donné lieu ont trait à la gestion et à la direction par les francophones de leurs propres écoles.

Après des mois de délibération, qui ont abouti à un large consensus, le rapport du Comité Gallant a recommandé la mise sur pied de conseils scolaires francophones au sein du système existant. Il suggérait en outre l'élection de commissaires issus de la minorité linguistique officielle pour assurer la gestion des écoles de langue française ainsi que le transfert de ces établissements aux conseils scolaires compétents, et cela dès 1990. À la fin d'août, et il s'agit manifestement d'une première dans l'Ouest, le ministre de l'Éducation a fait part de son intention de présenter un projet de loi qui confierait aux francophones la gestion de leurs écoles. Le système ainsi créé accueillerait vraisemblablement les 1 200 élèves présentement inscrits aux 13 écoles de langue française et d'autres qui y seraient admissibles aux termes de l'article 23 de la Charte.

La création, en avril, du Bureau de la gestion scolaire était donc fort opportune. Cet organisme, qui coordonne les efforts de l'Association culturelle franco-canadienne (ACFC) de la Saskatchewan et ceux de la Commission des écoles fransaskoises, a déjà entrepris ses activités. Sa mission est d'informer la minorité de langue officielle de l'évolution de la situation en matière de droits scolaires, de déterminer, à la suite de consultations, les besoins à cet égard et de favoriser la mise sur pied de conseils scolaires francophones. La fondation du Bureau reflète bien la volonté de la minorité de participer de plus en plus activement à l'accélération du processus.

La mise en œuvre des autres volets de l'entente-cadre a toutefois été beaucoup plus laborieuse. En particulier, selon les leaders fransaskois, la lenteur de la mise en œuvre des services en français s'explique par l'insuffisance de consultations avec la minorité. Le projet de traduire 45 lois clés connaît également des retards.

C'est que le système informatique perfectionné de traduction juridique, dont on avait confié la réalisation à une entreprise privée, s'est avéré inadéquat. L'entente-cadre prévoyait également la création d'un Bureau de la coordination des services français. Pour le moment, un coordonnateur a été embauché pour en assurer la mise sur pied.

Par ailleurs, un différend a éclaté entre l'Université de Regina et l'ACFC quant au rôle de l'Institut de formation linguistique et les rapports entre ce dernier et l'Université en vertu de l'entente Canada-Saskatchewan. La communauté francophone, qui attendait la création d'un établissement postsecondaire de langue française largement autonome et à l'écoute du milieu, a le sentiment que l'Université s'est servie des subventions pour améliorer ses propres installations, sans beaucoup se soucier de l'esprit de l'accord. Les parties n'ont pas encore réussi à s'entendre. En janvier 1989, l'Université a mis sur pied un conseil d'administration provisoire pour présider à la création de l'Institut.

De leur côté, les associations fransaskoises ont organisé une réunion spéciale autour du processus de planification et de coordination qu'exige l'entente-cadre de l'an dernier. Les résolutions qui y ont été adoptées soulignent la nécessité de confier aux communautés intéressées la planification de leur propre développement. À cette occasion, on a créé le Comité opération, planification et concertation relié au Service de la planification des Fransaskois, afin de favoriser la participation des divers milieux. Des rencontres ont été organisées dans 28 collectivités et ont attiré plus de 1 000 Fransaskois. Il en est ressorti que les dossiers clés du développement communautaire étaient notamment reliés à l'éducation, à la culture, à la politique, à l'économie, aux communications, aux sports et aux loisirs.

On a aussi récemment décidé de s'attaquer à l'analphabétisme. Bénéficiant d'une subvention de 200 000 dollars étalée sur trois ans du Secrétariat d'État, le Service fransaskois d'éducation aux adultes a lancé le projet-pilote Alpha qui s'emploiera à aider les adultes francophones à lire et à écrire dans leur langue maternelle. C'est la première initiative du genre dans l'Ouest. Toujours sur le front scolaire, la Commission des écoles catholiques de Prince-Albert a décidé, à la suggestion des comités de parents, d'étendre jusqu'à la douzième année les programmes d'enseignement en langue française à l'École Valois.

La Saskatchewan, on s'en souviendra, a été l'hôte des Jeux du Canada l'an dernier. Ce n'est pas le fruit du hasard si cet événement a fort bien reflété la dualité linguistique du pays, mais d'un travail ardu et d'une planification rigoureuse. Le succès des Jeux à cet égard tient aux efforts concertés de 350 bénévoles, du Comité organisateur, du Secrétariat d'État, du Secrétariat du Conseil du Trésor, de Condition physique et Sport amateur et du Commissariat aux langues officielles.

Signalons d'autre part que le Commissaire aux langues officielles s'est rendu à Edmonton et à Victoria au cours de l'automne dernier où il a pu s'entretenir des

problèmes de l'heure avec les représentants des associations minoritaires, les autorités provinciales, les membres des groupes multiculturels et d'autres groupes.

En **Alberta**, la lutte des parents francophones pour obtenir un plus large accès à l'école française, conformément à l'article 23 de la Charte, se poursuit maintenant devant la Cour suprême du Canada. L'affaire de l'Association-Georges-et-Julia-Bugnet constitue pour le plus haut tribunal du pays la première occasion de déterminer d'une façon globale la portée réelle des droits à l'instruction pour les minorités de langue officielle prévus par la *Charte canadienne des droits et libertés*. Sa décision en la matière influera vraisemblablement sur l'interprétation que l'on donnera de ces droits partout au Canada.

En juillet dernier, le ministre de l'Éducation a fait savoir que la province ne pourrait tenir son engagement d'affecter un million de dollars aux programmes d'enseignement en langue française, conformément à la politique que le ministère avait rendue publique en décembre 1988. Les parents francophones n'ont pas caché leur colère, s'interrogeant sur les effets de cette décision sur la concrétisation des droits à l'instruction dans la langue de la minorité. Même avant cette réduction budgétaire, l'ACFA avait fait de sérieuses réserves au sujet de la politique concernant la langue de l'enseignement, se plaignant notamment qu'elle ne contenait pas une définition précise, applicable à la grandeur de la province, de la disposition sur la « justification par le nombre » relative à l'instruction dans la langue minoritaire.

Le rapport Desjarlais portant sur ce dossier a été rendu public en octobre à l'occasion d'une conférence de presse organisée conjointement par l'Association canadienne-française de l'Alberta (ACFA) et la Fédération des parents francophones de l'Alberta. Le rapport souligne le sentiment d'urgence qui habite la communauté quant à la mise à exécution des droits en ce domaine. Il relève aussi le fait que seule une faible proportion des élèves admissibles en vertu de l'alinéa 23(1) *a*) de la Charte visant la langue maternelle étudie présentement en français. Rappelant l'intention corrective de cette disposition, le rapport note qu'étant donné le désir d'un grand nombre de parents de voir leurs enfants fréquenter l'école française partout où elle existe, la clause « où le nombre le justifie » ne devrait sûrement pas constituer un obstacle insurmontable.

En septembre, le Conseil scolaire catholique d'Edmonton a ouvert une nouvelle école élémentaire de langue française, l'École Notre-Dame, dans la partie ouest de la ville. Lors d'un référendum, en février, la population de la ville de Saint-Paul a rejeté le projet de création de nouveaux districts scolaires. Ces districts, proposés par le ministre, auraient favorisé l'établissement de l'école que la Société des parents pour l'éducation française souhaitait voir s'ouvrir dans cette agglomération. Inutile de dire que la Société a été fort déçue de la tournure des événements. Saint-Paul n'offre à l'heure actuelle qu'un programme en langue

française. Pour le moment, les parents attendent les résultats d'une étude qu'effectue le Ministère à la demande des deux conseils scolaires intéressés. On peut néanmoins se réjouir de la décision du ministère de l'Éducation d'autoriser l'établissement, à Saint-Paul, d'une maternelle de langue française.

Par ailleurs, l'ACFA a remis en avril dernier au secrétaire d'État, Gerry Weiner, un plan de développement des infrastructures communautaires notamment dans les domaines de l'éducation, des communications et de la jeunesse. L'ACFA souhaite que ce plan serve de document de base dans les discussions entre le secrétaire d'État et la province pour la signature d'une entente-cadre visant l'essor de la communauté franco-albertaine. Depuis plusieurs mois, le gouvernement provincial a observé le silence le plus complet au sujet des négociations menant à cette entente.

Fort irrités par l'impuissance, selon eux, du gouvernement d'assurer le respect et la concrétisation des droits garantis par l'article 23 de la Charte, les francophones de la **Colombie-Britannique** ont décidé de s'adresser à la justice. C'est ainsi qu'en mars dernier, les avocats de l'Association des parents du programme-cadre de français (APPCF) ont déposé auprès du tribunal les documents pertinents. L'Association a expliqué son geste en disant que la voie judiciaire semblait être la seule qui s'offrait à une minorité désireuse d'obtenir le respect de ses droits.

Le recours aux tribunaux n'est toutefois qu'un des volets du programme d'action mis en œuvre par l'APPCF et la Fédération franco-colombienne (FFC). Ce programme, baptisé « Opération loi scolaire », poursuit trois objectifs principaux : sensibiliser les parents et la communauté minoritaire au dossier de l'éducation ; déterminer les problèmes inhérents au système scolaire actuel et suggérer des réformes au gouvernement ; intenter un procès en vertu de l'article 23. À la suite de l'adoption de la nouvelle *Loi scolaire* de la Colombie-Britannique, l'APPCF a été invitée à participer aux travaux du Conseil consultatif de l'éducation. Compte tenu, toutefois, de la poursuite judiciaire qu'elle a intentée, elle a décliné l'invitation.

Grâce à l'aide financière des gouvernements du Canada, de la Colombie-Britannique, du Québec et des autorités municipales de Vancouver, les 25 000 francophones de Vancouver ont pu faire l'achat d'un édifice qui abritera leur centre communautaire : la Maison de la francophonie. En voie de planification depuis deux ans et demi, le nouveau centre regroupera les multiples activités sociales et culturelles de la collectivité. Sa réalisation est le fruit des efforts intenses des nombreux bénévoles francophones qui ont fondé la Société Maison de la francophonie.

À l'occasion de son congrès annuel qui a eu lieu en février 1989, la FFC a retenu trois grandes priorités : la multiplication des services en langue française ; l'amélioration qualitative et quantitative des services d'enseignement en français ;

le développement communautaire et un plus large accès aux produits culturels de langue française partout dans la province. La FFC s'est par ailleurs employée à préparer le terrain pour la réalisation d'une entente-cadre entre les autorités fédérales et provinciales. En mai dernier, elle a d'autre part lancé officiellement son *Répertoire culturel* qui recense les artistes et les écrivains de la région.

Réagissant aux résolutions adoptées au cours de l'assemblée annuelle du Crédit social, actuellement au pouvoir, résolutions qui réclamaient que l'anglais soit la seule langue officielle de la province, M^me^ Marie Bourgeois, présidente de la FFC, a adressé une lettre ouverte au premier ministre Vander Zalm. « Au cours des dernières années, écrivait-elle, nous avons été très favorablement impressionnés par la compréhension que vous avez manifestée à l'égard des difficultés qu'éprouve la minorité francophone de la Colombie-Britannique ainsi que par votre apparente volonté de favoriser son essor ... En conséquence, nous espérons et nous osons croire que les résolutions qui contrarieraient nos efforts communs en vue d'assurer le développement de la communauté francophone seront rejetées par votre gouvernement. »

Au **Yukon**, le nouveau président de l'Association des Franco-Yukonais (AFY) estime prioritaire la fondation d'un « centre scolaire communautaire ». Pareil type d'établissement a le mérite incomparable de permettre le regroupement sous un même toit des principales organisations de la communauté, qu'elles œuvrent dans les domaines social, culturel ou éducatif. De la sorte, les francophones disposent d'un lieu bien à eux.

Le gouvernement territorial a commencé à informer la population sur la nature des projets qu'il se propose de réaliser à la suite de l'adoption, en 1988, de sa législation linguistique. Bien que la Loi ne soit pas encore en vigueur, le processus de consultation au sujet de son application en 1991 a déjà été amorcé. La première réunion a eu lieu en février 1989. Les 620 Franco-Yukonais devraient bientôt avoir accès à des services gouvernementaux en français, là où la demande sera importante. À ce sujet, l'AFY a tenu à souligner qu'il faudra sans doute un certain temps avant de pouvoir apprécier l'importance réelle de cette demande, étant donné que la communauté francophone n'a jamais été servie dans sa langue par les bureaux du gouvernement territorial. L'Association a aussi fait remarquer qu'on ne devrait pas se contenter d'installer des écriteaux ou des affiches indiquant la disponibilité des services en français, mais qu'il faudra les offrir activement.

L'AFY a parallèlement établi, en octobre dernier, des relations avec le gouvernement fédéral en prenant l'initiative d'une rencontre avec plusieurs ministères intéressés. Cette rencontre a permis aux ministères fédéraux d'expliquer leur plan de mise en œuvre des services dans les deux langues officielles et aux dirigeants de l'Association de décrire leur communauté et d'indiquer lesquels parmi ces services pouvaient le mieux renforcer sa vitalité.

Dans les **Territoires du Nord-Ouest**, la Fédération Franco-TéNOise (FFT) a publié un excellent guide sur les services en langue française offerts dans la région par les secteurs public et privé. Au cours de l'année, la Fédération a concentré ses efforts sur trois dossiers : l'instruction en langue française, le suivi du rapport Perreault sur les besoins de la collectivité, ainsi que les préparations en vue de l'application de la *Loi sur les langues officielles* des Territoires du Nord-Ouest. Elle a de surcroît commencé à faire la distribution de matériels culturels et a maintenu ses pressions sur la Société Radio-Canada pour que cette dernière améliore son service. Le premier Centre culturel communautaire francophone a été inauguré en octobre à Iqualuit, juste à temps pour que la FFT puisse y célébrer le dixième anniversaire de sa fondation.

À la suite d'une demande de la Fédération et d'un groupe de parents, et grâce à l'aide financière du Secrétariat d'État, les enfants francophones de Yellowknife pourront désormais fréquenter une maternelle et faire leurs première et deuxième années élémentaires dans leur langue. Les élèves plus âgés devront encore attendre pour pouvoir étudier en français.

Sur un autre plan, la FFT a demandé au gouvernement que les règlements qui seront adoptés en vertu de la *Loi sur les langues officielles* des Territoires s'inspirent de la réglementation que le Conseil du Trésor fédéral doit déposer prochainement aux termes de la *Loi sur les langues officielles* de 1988. La communauté francophone a aussi présenté une série de recommandations quant aux domaines prioritaires où l'on devrait assurer le développement des services en langue française. Il s'agit notamment de l'enseignement, des soins de santé, des communications et de l'information gouvernementale. La Fédération estime par ailleurs qu'elle devrait avoir son mot à dire au sujet de la prestation des services à la communauté de langue française.

Les francophones des Territoires du Nord-Ouest, en particulier ceux de Yellowknife, se plaignent toujours de l'insuffisance des services en langue française offerts par la Société Radio-Canada (SRC). Les pourparlers entre cette dernière et les organisations communautaires autour de la proposition Cousins sont dans une impasse. Cette proposition suggérait que les collectivités assument les frais d'installation et d'entretien d'une antenne qui leur permettrait de capter les signaux de la télévision en langue française. De son côté, la SRC soutient que sans cette participation, il lui serait impossible de dispenser ces services. À l'heure actuelle, seules les collectivités qui se sont dotées du matériel nécessaire sont desservies par la Société. En décembre dernier, la FFT adressait une demande au Secrétariat d'État pour le financement de l'investissement que doivent consentir les communautés en vertu de la proposition Cousins.

En prévision des Jeux d'hiver de l'Arctique qui auront lieu à Yellowknife en mars 1990, une entente a été signée entre le Comité organisateur et les autorités fédérales afin d'y assurer la représentation de nos deux langues officielles.

L'Ontario

« Attendu que la langue française a joué en Ontario un rôle historique et honorable, et ... jouit, en Ontario, du statut de langue officielle devant les tribunaux et dans l'éducation ... chacun a droit à l'emploi du français, conformément à la présente loi ... » C'est ainsi que la *Loi sur les services en français* (loi 8) définit le statut de la langue française en Ontario et les droits linguistiques des 500 000 Franco-Ontariens. Adoptée par l'Assemblée législative en 1986, et entrée en vigueur le 19 novembre 1989, celle-ci déclare que chacun a le droit d'employer le français ou l'anglais dans les débats et les autres travaux de l'Assemblée législative et le droit de recevoir des services en français de la part des sièges des institutions du gouvernement ontarien ou de leurs bureaux qui se trouvent dans 22 régions désignées. Ces régions comprennent entre autres le Toronto métropolitain, Ottawa-Carleton et plusieurs régions du nord, de l'est et du sud-ouest de la province.

Mise en œuvre de la loi 8

Il y a trois ans, le gouvernement provincial lançait un programme ambitieux afin de satisfaire aux exigences de cette loi. Une Commission des services en français a alors été nommée afin de conseiller le gouvernement et de contribuer avec l'Office des affaires francophones à la mise en œuvre de la nouvelle loi. L'affichage à l'Hôtel parlementaire a été rendu bilingue et la traduction simultanée des débats introduite à l'Assemblée législative. De plus, les publications, les formulaires et les documents publics du gouvernement ont été traduits. La plupart des ministères ont préparé des plans de mise en œuvre de la Loi. Quelque 5 000 des 87 000 postes de la fonction publique provinciale ont reçu la désignation « appelés à offrir des services en français » et des centaines d'employés ont pu s'inscrire à des programmes de formation linguistique. Si le gouvernement s'est clairement engagé à fournir ses services en français, il a également garanti qu'aucun fonctionnaire ne perdra son poste en raison d'une éventuelle désignation linguistique. Enfin, une campagne publicitaire a été conçue pour inciter les francophones à utiliser ces nouveaux services en français, ainsi que pour informer les fonctionnaires des objectifs de la Loi.

Une réforme linguistique de cette ampleur ne s'est pas accomplie sans heurts. D'aucuns ont affirmé que le gouvernement faisait la promotion du français au détriment de l'anglais, que le programme coûtait trop cher et que les anglophones unilingues étaient défavorisés en ce qui a trait à l'accès aux postes de la fonction publique. Répondant à ces critiques, le nouveau ministre des Affaires francophones, M. Charles Beer, un anglophone bilingue, a déclaré : « Il y aura toujours certaines gens qui voudront seulement de l'anglais, (mais) les Canadiens (dans leur majorité) acceptent que le pays a besoin de services dans les deux langues officielles. » Un sondage Gallup publié en septembre lui a donné raison. Cinquante-trois pour cent des Ontariens ont répondu affirmativement à la question « Pensez-vous que cette province devrait avoir deux langues officielles — le français et l'anglais — afin que les services gouvernementaux

soient offerts dans ces deux langues ? » Cette évolution relativement positive de l'opinion publique anglophone dans la province tient peut-être en partie aux éditoriaux généralement favorables aux langues officielles qui ont paru dans la plupart des grands quotidiens, ainsi qu'aux interventions dynamiques des chefs politiques ontariens, tant du côté du gouvernement que de celui de l'opposition officielle. Plusieurs maires et échevins de grandes municipalités ont également manifesté leur appui au bilinguisme. Notons qu'au cours de l'année, le Commissaire aux langues officielles a fait chorus avec ceux qui défendaient la réforme du régime linguistique et a affirmé que la loi 8 constitue « une réalisation de grande envergure » qui permettra aux Franco-Ontariens de participer « plus activement à tous les aspects de la vie de la province ». D'autre part, des représentants de la communauté francophone ont demandé que le nombre d'exemptions ou de délais de mise en œuvre de la Loi soit limité au strict minimum. Une telle exemption a été approuvée par le Conseil des ministres le 27 septembre et concernait les panneaux routiers que l'on trouve sur les routes provinciales traversant le grand Toronto, Mississauga et Hamilton (soit sur environ 67 kilomètres). Ces panneaux demeureront généralement unilingues anglais jusqu'en 1991. En tout, le gouvernement a approuvé deux exemptions et 10 délais de mise en œuvre de la Loi.

Éducation

En plus des services en français, la communauté francophone, par les voix du Conseil de l'Éducation franco-ontarienne et de l'Association canadienne-française de l'Ontario (ACFO), a réclamé au gouvernement la création d'un réseau complet d'établissements scolaires francophones, de la garderie à l'université. Il y a un manque d'institutions postsecondaires, et la proportion de francophones qui fréquentent les institutions d'enseignement supérieur demeure moins élevée que celle des autres Ontariens. De plus, même si on signale une augmentation des inscriptions aux cours français des facultés d'éducation à l'Université d'Ottawa et à l'Université Laurentienne, il y a toujours une pénurie d'enseignants francophones. En outre, on signale l'absence de plusieurs cours et programmes en langue française dans le domaine des sciences pures, appliquées et de la santé dans la province.

Plusieurs porte-parole de la minorité réclament donc une université de langue française, mais le milieu est loin d'être unanime à ce propos et le débat se poursuit. L'Université d'Ottawa, qui s'enorgueillit d'une longue tradition française et bilingue, ne manque pas de défenseurs. Cette année, elle offrait quelque 131 programmes académiques en français et étudiait les possibilités d'en augmenter le nombre. Elle comptait environ 5 000 étudiants francophones à temps complet, soit 40 p. 100 de l'ensemble. De plus, des centaines d'étudiants francophones poursuivaient leurs études en français à l'Université Laurentienne, à l'Université Saint-Paul et au Collège Glendon. Pour sa part, le gouvernement de l'Ontario a procédé à la mise en œuvre du premier collège d'arts appliqués et de technologie francophone, la « Cité collégiale ». Le président du conseil d'administration de ce collège, M. Maurice Lapointe, a annoncé qu'il comptait accueillir dès

septembre 1990 plus de 2 000 élèves dans les centres d'Ottawa-Carleton, de Hawkesbury et de Cornwall.

Les membres du Conseil scolaire de langue française d'Ottawa-Carleton ont été élus en novembre 1988, et l'organisme a entamé sa première année de fonctionnement en 1989. Son modèle administratif unique comprend à la fois un secteur public géré par huit conseillers et un secteur catholique qui relève de 14 conseillers. Un Conseil plénier regroupant tous les conseillers administre les services communs. Le nouveau conseil, qui succède aux anciens conseils « mixtes » (francophones et anglophones) de la région, a pris en main la gestion de 43 écoles primaires et de neuf écoles secondaires, regroupant 1 077 enseignants et 18 156 élèves. Notons également que le Conseil scolaire public de langue française de Toronto a été mis sur pied cette année et que d'autres régions comptant d'importantes populations francophones attendaient une décision du ministre de l'Éducation concernant leur conseil scolaire francophone. Nous apprenions au début de janvier 1990 que les chefs de file de six organismes franco-ontariens avaient annoncé leur intention de poursuivre le gouvernement ontarien devant les tribunaux afin de faire respecter les droits scolaires des francophones en vertu de l'article 23 de la *Charte canadienne des droits et libertés*. Ils signalent l'inaction du gouvernement, le besoin d'établir des conseils scolaires francophones ailleurs qu'à Ottawa et Toronto et l'urgence d'amender la loi scolaire afin d'accorder aux sections françaises des conseils scolaires mixtes (francophones et anglophones) une plus grande liberté d'action. Tout en soulignant que le gouvernement Peterson réagit aux préoccupations des francophones, le ministre de l'Éducation, M. Sean Conway, a fait savoir qu'il faut étudier davantage toutes les priorités des groupes francophones et que pour le moment il n'y aura pas de nouveau conseil scolaire francophone.

Par ailleurs, certains conseils scolaires responsables de clientèles mixtes française et anglaise ont connu des difficultés cette année. À la suite d'une décision du Conseil de l'Éducation (public) de Lakehead d'envoyer ses élèves francophones à une école d'un district voisin plutôt que d'offrir ses propres classes françaises, 17 étudiants auront, en 1990, à parcourir 400 kilomètres en autobus chaque semaine pour poursuivre leurs études en français. Dans un autre cas, la Cour suprême de l'Ontario a obligé le Conseil de l'Éducation (public) de Sault Sainte-Marie à offrir l'instruction en français à 53 écoliers francophones dans leur langue. D'autre part, lorsque cette année les élèves des deux écoles anglaises du Conseil scolaire catholique de Prescott-Russell n'ont pas été invités à participer aux événements sportifs parrainés par certaines des 26 écoles françaises du Conseil scolaire, leurs parents se sont plaints. Le président de la section française du Conseil scolaire, M. Gilles Myner, a catégoriquement nié qu'il y avait eu discrimination envers les enfants anglophones, mais devant le tollé de protestations des anglophones, il s'est engagé à faire parvenir une directive aux directeurs des écoles françaises afin d'assurer que les enfants de langue anglaise soient invités aux futures activités sportives. Enfin, un centre franco-ontarien de

ressources en alphabétisation a ouvert ses portes cette année à Sudbury. La directrice du centre, M^me^ Yolande Clément, a souligné l'importance de son programme en faisant remarquer que quelque 30 p. 100 des Franco-Ontariens n'ont pas terminé la huitième année.

Les municipalités

L'événement à signaler cette année au niveau municipal est la création d'une Association d'expression française des municipalités de l'Ontario. La marraine du nouvel organisme, M^me^ Gisèle Lalonde, mairesse de Vanier, a déclaré que les quelque 70 communautés comptant d'importantes populations francophones ressentaient le besoin de mettre en valeur leur « spécificité » et de s'attaquer entre autres aux problèmes liés à la prestation de services dans les deux langues. La *Loi sur les services en français* n'impose pas aux municipalités d'obligations spécifiques en matière de services en français, mais l'article 16 de cette loi précise qu'une municipalité desservant une population francophone « peut adopter un règlement prévoyant que ... les services municipaux au public ... seront fournis dans (les) deux langues ». Des subventions sont offertes aux municipalités pour la formation linguistique des membres du conseil municipal et des employés, pour la traduction et l'impression en présentation bilingue des documents publics, pour la mise en place d'un service d'interprétation simultanée durant les réunions du conseil et les réunions publiques et enfin pour la signalisation routière. Plus de 30 municipalités ont profité de ces subventions.

Chose certaine, la question linguistique a suscité de grands débats dans plusieurs conseils municipaux. À Ottawa, trois échevins ont cherché sans succès à abolir le comité consultatif municipal des langues officielles et à limiter les services en français. Les conseils d'Orillia, d'Englehart et de Pembroke ont adopté des résolutions exemptant leurs municipalités respectives d'avoir à se conformer expressément à la loi 8. Enfin, la petite municipalité de Zorra s'est déclarée officiellement unilingue anglaise. Pour calmer les inquiétudes exprimées par certains maires et échevins anglophones, le premier ministre Peterson a souligné une fois de plus le caractère facultatif des dispositions de la loi 8 relatives à la prestation des services municipaux en français comme en anglais.

Les services sociaux et de santé

À l'heure de la mise en œuvre officielle de la loi 8, le gouvernement provincial, de concert avec les professionnels de la santé et des services sociaux, a proposé une série de mesures positives : aide accrue aux jeunes Franco-Ontariens qui veulent faire carrière dans ce domaine ; meilleures communications avec la communauté francophone ; formation linguistique pour les professionnels ; traduction de formulaires et d'autres documents. Par ailleurs, les hôpitaux Notre-Dame de Hearst et Montfort d'Ottawa étaient parmi les 48 premières institutions à recevoir une désignation comme organismes offrant leurs services au public en français et en anglais en vertu de la loi 8 et un important centre médico-social offrant des services en français a été ouvert à Toronto. De plus, une nouvelle Association d'intervenants francophones de la santé et des services sociaux et communautaires a été mise sur pied afin de veiller à l'application de la loi 8 dans

ce domaine, et l'ACFO a entrepris une étude des services de garderie en langue française. Enfin, en décembre, les gouvernements fédéral et provincial ont annoncé qu'ils allaient entreprendre de nouvelles initiatives relatives à la promotion des langues officielles, afin de permettre la réalisation de plusieurs projets, notamment la création de résidences pour personnes âgées francophones, la mise en place d'un programme de coopérative-jeunesse au travail et la tenue d'une étude sur les petites entreprises de langue française et le développement économique.

Gaétan Gervais de l'Institut franco-ontarien faisait observer, dans le numéro 27 de la revue *Langue et Société* (p. D-41), que « l'encadrement de la vie culturelle sera l'élément décisif dans l'avenir de la communauté franco-ontarienne ». Fort heureusement, l'élaboration de cet encadrement est en cours. Le Bureau franco-ontarien du Conseil des Arts de l'Ontario joue un rôle de premier plan dans la promotion de la culture française de la province. La chaîne française de TVOntario s'est dotée cette année d'un nouvel équipement lui permettant d'atteindre un plus grand nombre de foyers francophones dans le nord et l'est de la province. En collaboration avec Radio-Québec et d'autres sociétés francophones, la chaîne française de TVOntario a su offrir à la population francophone de la province une programmation plus diversifiée cette année, incluant entre autres un premier téléroman, une émission sur diverses personnalités de la francophonie ontarienne et de nouvelles émissions pour enfants. De plus, à la suite d'une décision du CRTC, les abonnés du câble de la région d'Ottawa ont eu droit à la chaîne de télévision internationale de langue française TV5, et les amateurs de l'émission *Ontario 30*, diffusée dans cette région, étaient contents d'apprendre le 9 novembre que cette émission populaire du réseau ontarien de Radio-Canada ne serait pas supprimée comme il avait été annoncé une semaine auparavant. Par ailleurs, le Festival franco-ontarien d'Ottawa tenu au mois de juin a, une fois de plus, connu un énorme succès et attiré plus de 600 000 personnes à ses spectacles. Enfin, l'auteur franco-ontarien Jean-Marc Dalpé a reçu le prix du Gouverneur général pour la pièce de théâtre *Le Chien*. Bref, malgré les inquiétudes de la communauté face au nombre relativement élevé de transferts linguistiques (mais qui va décroissant, selon le recensement de 1986), la situation des langues officielles semble progresser nettement, autant grâce aux services reçus qu'aux institutions mises sur pied.

Québec

Tout en appartenant à la communauté de langue anglaise qui forme la majorité au Canada et en Amérique du Nord, les 680 000 citoyens du Québec dont la langue maternelle est l'anglais ne représentent que 10,4 p. 100 de la population de cette province ; d'autre part, pour quelque 800 000 Québécois (12,3 p. 100), l'anglais est la langue la plus souvent utilisée au foyer. Les relations entre les deux principales communautés linguistiques du Québec se trouvent compliquées par le fait que les 5,4 millions de francophones sont conscients de vivre sur un

continent où prédomine l'anglais et ressentent le besoin de promouvoir la langue et la culture françaises. « De façon tout à fait justifiée, les francophones de la province ont commencé à penser et à agir comme une majorité ; quant à nous, avec plus ou moins de bonne volonté, nous avons accepté l'idée d'être une minorité au Québec » [notre traduction]. Ainsi s'exprimait en mai dernier Peter Blaikie, ancien président du conseil d'administration d'Alliance Québec, et ses propos décrivent bien l'évolution des rapports entre les communautés francophone et anglophone de la province.

La loi 178

En 1989, la promotion de la langue française au Québec était omniprésente dans tous les échanges entre les deux collectivités. En effet, c'est la nécessité d'assurer cette promotion qu'a invoquée le gouvernement du Québec pour justifier le recours à la clause nonobstant de la *Charte canadienne des droits et libertés* et l'adoption de la loi 178, qui régit la langue de l'affichage dans la province. Ainsi, la question de la langue de l'affichage, que nous avons traitée en détail dans notre *Rapport annuel 1988*, a continué cette année de perturber les Anglo-Québécois et les relations entre les deux groupes linguistiques.

Adoptée par l'Assemblée nationale en décembre 1988, la loi 178 établissait que « L'affichage public et la publicité commerciale, à l'extérieur ou destinés au public qui s'y trouve, se font uniquement en français ... indépendamment des dispositions ... de la *Loi constitutionnelle* de 1982 ». Elle indiquait également que l'affichage intérieur accorderait une « nette prédominance » au français, comme l'autorisait le jugement de la Cour suprême du Canada et que l'on pourrait employer d'autres langues à condition de respecter certaines conditions ; celles-ci seraient précisées plus tard par des règlements.

L'adoption de la loi 178 a provoqué une réaction immédiate et vive de la part de la communauté anglophone. Alliance Québec a affirmé que c'était un sombre jour au Québec que celui où le gouvernement cessait de respecter le droit fondamental à la libre expression, garanti par les chartes des droits québécoise et canadienne. Quelques francophones qui doutaient de la nécessité d'exclure l'affichage extérieur dans d'autres langues que le français ont également protesté. Ainsi, Benoît Lauzière du *Devoir* écrivait « Le français partout, oui, mais pas au prix d'une censure de la liberté d'expression qui empêcherait l'autre d'avoir aussi un visage ». Le 20 décembre 1988, trois des quatre ministres anglophones du gouvernement québécois démissionnaient. L'un d'entre eux, le ministre de l'Environnement, Clifford Lincoln, déclarait dans son discours d'adieu à l'Assemblée nationale : « Ma langue n'est pas une plaie dans la société. Pourquoi autant m'humilier ? ». Le 8 janvier, près de 2 000 personnes se rassemblaient au Victoria Hall de Westmount, et d'importantes manifestations avaient également lieu dans les communautés du West Island, de l'Estrie, de la Gaspésie et, en fait, dans la plupart des collectivités anglophones de la province. Les associations régionales de la minorité, y compris la Townshippers Association, le Committee for Anglophone Social Action de la Gaspésie, la Chateauguay Valley

English-Speaking People's Association, la Voice of English Quebec City et la Outaouais Alliance, se sont jointes à la lutte contre la loi 178. Dans un communiqué de presse, le Commissaire aux langues officielles, tout en reconnaissant la vulnérabilité de la langue française dans le contexte de l'Amérique du Nord, regrettait que le gouvernement québécois eût jugé nécessaire d'invoquer la clause nonobstant pour garantir la sécurité culturelle du Québec français. Il a dit souhaiter et espérer la modification de la Loi. En décembre 1988, l'incendie d'origine criminelle qui a dévasté les locaux d'Alliance Québec a ajouté aux tensions de la situation en suscitant une longue enquête policière et des allégations sans fondement touchant Royal Orr, qui était alors président de l'organisme. Ces allégations ont été déplorées et condamnées par de nombreux dirigeants communautaires au Québec, par le Commissaire et par le premier ministre Mulroney.

Le gouvernement du Québec a continué de défendre la loi 178 en la présentant comme un compromis qui permettrait de maintenir l'essentiel des dispositions de la *Charte de la langue française* tout en permettant l'emploi des autres langues à l'intérieur, par respect des communautés culturelles. Claude Ryan, qui était alors ministre de l'Éducation et auquel on devait également confier par la suite la responsabilité de la *Charte de la langue française*, a déclaré : « L'attachement des Québécois francophones à la loi 101 est si fort ... le gouvernement n'a fait qu'obéir à une volonté très largement répandue parmi la population. Il n'a fait que constater qu'à ce stade de son évolution, dans l'état actuel de l'opinion publique, la population québécoise tient très fortement au maintien du visage français toujours fragile et dangereusement menacé du Québec ». Le 3 mai, le gouvernement publiait les règlements prévus par la loi 178. On y définissait la « nette prédominance » du français dans l'affichage intérieur : les caractères utilisés dans les affiches écrites en français devaient être deux fois plus grands que ceux des affiches dans une autre langue, ou encore, les affiches en français devaient être deux fois plus nombreuses que les autres.

Les dirigeants anglophones ont condamné ces règlements en les qualifiant de « ridicules » et de « monstrueux » ; bon nombre de francophones leur ont également reproché d'être difficiles à appliquer. Au cours de l'année, les passions soulevées par la loi 178 ont paru s'apaiser dans une certaine mesure, mais l'opposition à la loi n'a pas nécessairement disparu pour autant. La plupart des commerçants se préparent apparemment à respecter la loi, même à contrecœur, mais quelques gens d'affaires de Montréal et de l'ouest du Québec ont déclaré leur intention de la défier.

La loi 178 a suscité beaucoup de critiques de la part de francophones qui craignaient qu'elle n'annonce le démantèlement de la *Charte de la langue française*. Ainsi, les protestations de la communauté de langue anglaise ont eu à faire face à des protestations encore plus importantes de la communauté majoritaire. Le 12 mars, plus de 50 000 personnes, menées par le Mouvement Québec Français (MQF), défilaient dans les rues de Montréal pour protester contre la loi fédérale

sur les langues officielles et ce qui constituait, à leurs yeux, le démantèlement de la *Charte de la langue française*. D'après le manifeste du Mouvement, « ... sur la pente de la rebilinguisation sur laquelle se trouve de nouveau le Québec, il n'y a pour nous, au bout du compte, qu'une lente et triste disparition comme peuple ».

Le débat sur la possibilité de la disparition de la communauté francophone a véritablement été lancé par le MQF et par « Disparaître », film et émission de télévision diffusée par Radio-Canada le 12 février. Ce document controversé avait été réalisé sous la direction de Lise Payette, personnalité bien connue dans les médias et ancienne ministre du gouvernement péquiste. Il offrait un avertissement aux Québécois « de vieille souche » : la chute du taux de natalité, l'arrivée d'immigrants non francophones et l'assimilation par les communautés anglophones pouvaient entraîner la disparition de vieilles familles comme celle des Tremblay. Plusieurs démographes ont fait paraître des études cernant des tendances inquiétantes pour les francophones du Québec, par exemple le taux de natalité extrêmement bas (1,4 naissance pour chaque femme en âge de procréer, alors qu'un taux de 2,1 est nécessaire simplement pour remplacer la population existante) et le nombre relativement bas d'immigrants de langue française. Cependant, d'autres chercheurs tels que Réjean Lachapelle, démographe au service de Statistique Canada, ont noté des signes plus encourageants, par exemple l'accroissement du nombre de Québécois capables de parler français. Grâce à cette tendance, à laquelle s'ajoute une légère augmentation récente du taux des naissances, il y a peut-être lieu désormais d'entrevoir l'émergence au Québec d'une société qui, tout en conservant la prédominance du français, manifestera un pluralisme plus marqué.

Les élections

Le mécontentement de la communauté anglophone s'est fait rapidement sentir lorsque le premier ministre Robert Bourassa a annoncé, en août, la tenue d'élections provinciales. Plusieurs de ses collègues anglophones du Parti libéral ont refusé cette fois d'être candidats, alors que de son côté, Alliance Québec invitait ses membres à voter pour des candidats indépendants ou des tiers partis ou, en dernier recours, à annuler leur vote pour n'appuyer ni le Parti libéral, ni le Parti québécois. Deux nouveaux partis à prédominance anglophone apparurent, le Parti Égalité à Montréal et le Parti Unité dans d'autres régions, et se sont donnés comme objectif de défendre les droits des anglophones du Québec, notamment en obtenant la modification de la loi sur l'affichage ; à leur avis, le Parti libéral n'avait pas représenté les anglophones de façon adéquate. Le premier ministre Bourassa et des membres de son parti ont répondu qu'ils s'employaient à promouvoir deux éléments jugés importants par la communauté minoritaire, la prestation de services sociaux et de santé en anglais et les programmes d'apprentissage du français langue seconde.

Après le décompte des bulletins de vote le 25 septembre, quatre candidats du Parti Égalité avaient été élus dans des comtés à majorité anglophone de l'île de Montréal. Qui plus est, les partis Égalité et Unité avaient enlevé des votes aux

Libéraux dans d'autres régions de la province. Cependant, le Parti libéral conservait une importante majorité à l'Assemblée nationale et avait reçu une part importante du vote anglophone. Lors du remaniement ministériel qui suivit les élections, le Premier ministre nomma deux nouveaux ministres anglophones : Sam Elkas, ministre du Transport et de la Sécurité publique et Robert Middlemiss, ministre délégué à l'Agriculture, aux Pêcheries et à l'Alimentation. Aux yeux de M. Bourassa, en le réélisant, les Québécois avaient cautionné ses politiques linguistiques et indiqué que le dynamisme économique du Québec constituait leur plus haute priorité.

Même si les citoyens du Québec ont élu des fédéralistes — les Libéraux — plutôt que les indépendantistes du Parti québécois (environ 40 p. 100 des voix), le Premier ministre s'est dit d'avis que l'avenir du fédéralisme ne peut être garanti que par la ratification de l'Accord du lac Meech par toutes les parties concernées. Paul-André Comeau, rédacteur en chef du *Devoir*, est allé encore plus loin dans son commentaire sur les élections : « Personne ne pourra désormais invoquer de faux-fuyants pour se dérober à la ratification des accords du lac Meech. À cet égard, les résultats du scrutin balaient les illusions de ceux qui croyaient hier encore à l'assoupissement définitif du Québec d'après le référendum de mai 1980 ». D'autre part, bon nombre d'anglophones, y compris les dirigeants d'Alliance Québec, ont continué à exprimer des réserves face à l'Accord et à suggérer la nécessité de l'amender avant de l'adopter. Robert Keaton, le nouveau président d'Alliance Québec, a proposé que « nos dirigeants politiques s'assoient et négocient une entente qui respecte les cinq grands points énoncés par le Québec (les conditions à la signature de la *Loi constitutionnelle* de 1982), y compris la reconnaissance du Québec en tant que société distincte... mais en donnant une plus grande protection aux droits fondamentaux et légaux de la *Charte canadienne des droits et libertés* » [notre traduction].

L'enseignement

En 1989, comme tout au long des années 80, les changements sociaux ont touché les systèmes scolaires de langues française et anglaise. Au sein du système francophone, le nombre d'écoliers s'est stabilisé depuis quelques années à 1 000 000, mais le nombre d'élèves d'origine non francophone connaît une augmentation spectaculaire. Ainsi, certains rapports ont prédit qu'en 1990, les enfants d'origine non francophone pourraient représenter la moitié des effectifs de la Commission des écoles catholiques de Montréal. Il en découle des problèmes d'adaptation sociale tant pour les enseignants que pour les élèves. Si les difficultés des écoles francophones proviennent d'une diversité croissante, du côté anglophone, par contre, les problèmes sont liés au fait que le nombre d'enfants dans leurs écoles continue de baisser : un quart de million en 1970, 128 000 il y a cinq ans et 100 000 aujourd'hui. L'adaptation à cette situation s'est avérée difficile. Les fermetures d'écoles, fréquentes et douloureuses, ont entraîné le déplacement d'élèves et d'enseignants à des établissements parfois lointains. Comme le disait Joan Rothman, commissaire anglophone : « Si vous fermez la première année à l'école Roslyn [de Westmount], à quelle école ira un élève de première année,

admissible à l'école anglaise, de Westmount ou du centre de Montréal ? La réponse : il ira à Verdun, à Côte-des-Neiges au nord du chemin de la Reine-Marie, à Hampstead ou à Ville Mont-Royal. Cette réponse n'est pas acceptable ... » [Notre traduction] Cependant, avant la fin de 1989, la Commission des écoles protestantes du grand Montréal (CEPGM) n'en faisait pas moins connaître son intention d'abolir les classes anglaises à Roslyn[1], tandis qu'on assistait à la fermeture d'autres écoles anglophones à travers la province, notamment la Mount Royal Academy, la William Hingston High School, la Barclay School, la Bedford Elementary et la Matapedia Elementary. Un nombre croissant d'enfants dont la langue maternelle était l'anglais — soit environ 18 000 — fréquentaient l'école française parce que leurs parents voulaient qu'ils parlent couramment le français et pensaient que l'école anglaise ne pouvait leur garantir ce résultat.

Les fermetures d'écoles et les longs trajets que doivent effectuer certains enfants en autobus ne sont pas les seules difficultés causées par l'amoindrissement du secteur de l'enseignement de la minorité. Le partage des installations avec la communauté majoritaire s'est souvent imposé comme une nécessité, mais il a parfois lieu dans un climat de tension à cause des besoins différents des deux groupes. Par exemple, la querelle touchant la gestion de l'école du Bon-Pasteur, qui a éclaté à Brossard entre les communautés catholiques de langue française et anglaise en 1987, s'est poursuivie tout au long de l'année. C'est une question que nous avons abordée dans nos deux derniers rapports annuels. En 1989, la dispute n'était toujours pas réglée et se manifestait par des écriteaux sur les pelouses, des lignes de piquetage devant les bureaux de la Commission scolaire, et parfois la garde des enfants à la maison en signe de protestation.

La croissance de certains systèmes scolaires de langue française et le déclin des systèmes de langue anglaise posaient également des problèmes quant à la gestion. Au sein des commissions scolaires catholiques, les anglophones ne constituent généralement qu'une très petite minorité et ils ne sont parfois représentés par aucun commissaire de langue anglaise. Du côté des commissions protestantes, les écoles françaises sont en plein essor, ce qui suscite inévitablement des tensions au chapitre de la répartition des ressources. Par exemple, au sein de la CEPGM — où le secteur français, presque inexistant il y a vingt ans, comprend aujourd'hui 11 000 élèves — les parents francophones réclamaient un secteur administratif autonome de langue française et se plaignaient du surpeuplement de leurs établissements, défavorisés par rapport aux écoles mieux dotées du système anglophone. Afin de répondre notamment à ces problèmes, l'Assemblée nationale adoptait enfin en décembre 1988 une nouvelle *Loi sur l'instruction publique*. La loi 107 avait connu une longue gestation. L'un des objectifs de la

---

[1] Au moment de mettre sous presse, nous apprenions que les classes anglaises à Roslyn seraient maintenues pour une autre année.

Loi, qui bénéficiait de l'appui d'Alliance Québec, consistait à établir des commissions scolaires distinctes de langue française et anglaise pour remplacer les commissions existantes, mixtes du point de vue linguistique et basées sur le critère de la religion. Cependant, la nouvelle loi attribue l'autonomie aux autorités scolaires locales en matière d'enseignement religieux. Le gouvernement a prévu de différer la mise en œuvre des dispositions touchant les commissions scolaires linguistiques pour demander à la Cour d'appel du Québec de vérifier leur légitimité constitutionnelle en se prononçant sur un cas-type.

On a également poursuivi en 1989 le débat sur le sous-financement des trois universités de langue anglaise de la province. Au cours de l'année, les représentants des universités McGill, Concordia et Bishop's se sont plaints de l'insuffisance des fonds accordés par le gouvernement. Le 16 octobre, le recteur David Johnston, de McGill, affirmait que malgré la gestion efficace dont elle faisait preuve, son université voyait croître son déficit et qu'elle souffrait depuis au moins neuf ans de l'insuffisance des fonds versés par le ministère de l'Enseignement supérieur. Notant que trois des quatre établissements gravement atteints par le sous-financement étaient de langue anglaise, il a demandé si la langue était la cause de ce phénomène et si le gouvernement aurait permis que les établissements de langue française soient aussi longtemps défavorisés en comparaison des autres. Claude Ryan, ministre de l'Enseignement supérieur, a répondu que le recteur n'aurait pas dû associer la question de la langue à celle du financement des universités et il a soutenu que les établissements de langue française avaient des besoins particuliers parce qu'ils devaient permettre à la communauté francophone de rattraper les anglophones au chapitre de la formation universitaire. Il a également souligné l'octroi récent de 60 millions de dollars aux universités québécoises, dont environ 16 millions (28 p. 100) seraient attribués à McGill.

La communauté anglophone a reçu une bonne nouvelle dans le secteur des cégeps : au moment de célébrer sa vingtième année d'enseignement en anglais et sa deuxième année d'existence autonome, le collège Heritage, à Hull, était en mesure de planifier une expansion importante grâce à une subvention d'immobilisation du gouvernement de 6,8 millions. De plus, le gouvernement québécois accordait des fonds supplémentaires à l'Université Bishop's, au collège Champlain et à d'autres établissements.

Cette année, le ministre de l'Éducation, Claude Ryan, établissait comme priorités l'amélioration des programmes de français et d'anglais au sein des écoles du Québec (voir la Partie V). De façon plus précise, des efforts ont été déployés pour accélérer la mise en circulation des versions en langue anglaise des nouveaux programmes d'études et des manuels pédagogiques. On a attribué des ressources supplémentaires aux programmes de français et d'anglais langues secondes, tant dans les écoles que dans les cours d'enseignement aux adultes. Alliance Québec s'est réjouie de ces mesures en soulignant le fait que l'amélioration des programmes de français langue seconde était essentiel pour permettre aux citoyens de langue

anglaise, jeunes et moins jeunes, de trouver leur place au sein de la population active de la province. L'association a d'ailleurs organisé un séminaire spécial sur l'enseignement du français langue seconde.

Services sociaux et de santé

Cette année, la communauté minoritaire a obtenu de nouvelles réponses favorables à ses demandes réitérées pour de meilleurs services sociaux et de santé en anglais, aux termes de la loi 142 de 1986. Le 24 mai, le secrétaire d'État fédéral, Gerry Weiner, et la ministre québécoise qui était alors déléguée aux services sociaux et de santé, Louise Robic, ont signé une entente Canada-Québec touchant l'accès des anglophones aux services sociaux et de santé. En vertu de cette entente, d'une durée de cinq ans, le gouvernement fédéral apportera une contribution de 550 000 dollars en 1989-1990 pour couvrir la moitié de certains frais découlant de l'administration des services en anglais dans la province.

Au cours de l'année, chacun des 11 conseils régionaux de la santé et des services sociaux de la province a soumis un plan pour la mise en œuvre de la loi 142; les plans ont été approuvés et, à la fin de l'année, on voyait à leur entrée en vigueur. Cinquante-cinq établissements de l'île de Montréal, et quelque 150 autres à travers la province, ont été désignés comme centres offrant des services en langue anglaise. Toutefois, certains représentants de la communauté anglophone n'étaient pas convaincus que les plans correspondaient à la réalité. Mary Mitchell, ancienne présidente de la Townshippers Association, affirmait que les services en anglais restaient insuffisants dans sa région et que lorsqu'une personne est malade, « la dernière chose dont elle a besoin, c'est d'une barrière linguistique » [notre traduction]. Pour sa part, la *Gazette* signalait que « les plans d'accès ... et les services réels ne sont pas la même chose » [notre traduction], et faisait remarquer que certains établissements de services sociaux et de santé manquent de ressources au point de ne pouvoir offrir des services adéquats dans leur langue principale, le français; ils risquent donc d'être tout à fait incapables d'assurer également des services en anglais. De plus, un livre blanc du ministère de la Santé et des Services sociaux, rendu public en avril, a inquiété à nouveau la communauté minoritaire. Il proposait de remplacer les conseils d'administration actuels des établissements de santé et de services sociaux (dont plusieurs sont à prédominance anglophone) par des conseils régionaux ou sectoriels unifiés, qui se trouveraient majoritairement francophones. L'avant-projet de loi qui faisait suite au livre blanc a été présenté à l'Assemblée nationale à la fin de l'année; il contient un article prévoyant la modification possible des territoires des conseils là où « les caractéristiques linguistiques et socioculturelles » de la population locale le justifient. Il réaffirme également le droit des personnes d'expression anglaise de recevoir des services de santé et des services sociaux en anglais, compte tenu des ressources disponibles. Malgré cela, l'avant-projet continue de susciter certaines réserves au sein de la communauté minoritaire.

En 1989, Alliance Québec, la Townshippers Association et d'autres organismes minoritaires ont continué d'insister pour que les gouvernements fédéral et

québécois améliorent la représentation des anglophones dans leurs bureaux à travers la province. On indiquait que 3,9 p. 100 des fonctionnaires provinciaux provenaient des communautés culturelles de la province, mais que les anglophones constituaient moins de 1 p. 100 de l'ensemble. D'autre part, 5,5 p. 100 des employés des ministères fédéraux au Québec (excluant la région de la capitale nationale) étaient anglophones (voir la Partie II). Par contre, les anglophones étaient bien représentés dans les bureaux des sociétés d'État fédérales au Québec, constituant, d'après les estimations récentes, qui datent de 1987, 24,8 p. 100 de l'ensemble du personnel.

Le cas du statut bilingue de la ville de Rosemère a été soumis à la Cour supérieure du Québec, qui n'avait pas encore rendu sa décision à la fin de l'année. Le lecteur se souviendra qu'à l'origine, Rosemère était considérée ville bilingue en vertu de l'article 113(f) de la *Charte de la langue française* parce que 50 p. 100 de sa population n'était pas francophone. Cependant, la population anglophone ayant diminué en 1986, l'Office de la langue française retira à la ville sa désignation bilingue. Selon l'article 133(f), cette désignation permet aux organismes qui interviennent dans le domaine de la santé et de l'éducation d'utiliser, parallèlement au français, une autre langue dans leurs communications internes et dans l'affichage. D'autres municipalités du Québec dont la population anglophone risque de tomber sous le seuil des 50 p. 100 attendent anxieusement la décision du tribunal.

La situation linguistique du cinéma dans la province a continué de susciter l'inquiétude chez les francophones, la proportion de films présentés en français dans les salles étant passée cette année de 43 à 34 p. 100. Cependant, les revenus provenant des films commerciaux présentés en français ont connu une importante augmentation. Au cours de l'été, la projection de certains films en anglais seulement lors du Festival des films du monde de Montréal a provoqué un débat acrimonieux. Serge Losique et Danièle Cauchard, président et vice-présidente du Festival, ont répondu aux critiques en affirmant que sur les 250 films présentés, 110 — soit environ le même nombre que l'année précédente — ou bien étaient en français ou bien comportaient des sous-titres français ou bien encore étaient doublés en français ; ils ajoutaient que le Festival de Cannes ne présentait pas autant de films en français. Les anglophones craignaient que la controverse n'amène le gouvernement à imposer de nouveau le règlement proposé en 1988 par M^me^ Lise Bacon, alors ministre des Affaires culturelles. Ce règlement, dont l'existence avait été courte, limitait la distribution en salle de nouveaux films anglais jusqu'à ce qu'une version française soit disponible. À la fin de l'année, le cas était toujours à l'étude. En novembre, les audiences tenues par le Conseil de la radiotélévision et des télécommunications canadiennes à Montréal ont porté principalement sur les objectifs linguistiques. L'Association du disque et de l'industrie du spectacle québécois a recommandé qu'on oblige les stations de radio de langue française à consacrer 65 p. 100 de leur temps d'antenne à la chanson francophone, et on a également suggéré que les stations de langue

anglaise augmentent la part des œuvres en français, auxquelles elles consacrent actuellement 5 p. 100 de leurs émissions.

Lors de sa visite à la ville de Québec en octobre dernier, le Commissaire a profité de l'occasion pour discuter librement des questions mentionnées dans la présente section avec le Premier ministre et deux de ses ministres ; ceux-ci ont semblé très conscients des inquiétudes de la communauté anglophone du Québec. Au cours de ces conversations, on a également abordé la question des services linguistiques offerts dans la région de la capitale nationale. Enfin, durant l'année, le Commissaire s'est adressé à un certain nombre de groupes francophones au Québec, et il a été conférencier invité au Congrès annuel d'Alliance Québec et lors du vingtième anniversaire du collège Heritage.

Les associations minoritaires

Alliance Québec et ses associations parallèles ont connu une année riche en événements. Malgré le traumatisme causé par l'incendie de ses locaux et l'enquête qui s'ensuivit, un cambriolage et l'absence de président pendant une bonne partie de l'année, Alliance Québec émergeait en fin de compte avec une crédibilité renouvelée. En mai, le congrès annuel de l'organisme rassemblait plus de 500 délégués et invités ; parmi les participants aux débats, qui ont mis l'accent sur les choix qui s'offrent à la communauté minoritaire, on pouvait compter le secrétaire d'État Gerry Weiner, les ministres québécois Louise Robic et John Ciaccia et le chef de l'opposition, Jacques Parizeau. Le Commissaire aux langues officielles, qui a été présent pendant tout le congrès, y déclara que « ... la vitalité persistante de la collectivité anglophone [du Québec] dépendra ... de l'appui accordé aux personnes incapables de fonctionner en français, d'un bilinguisme individuel accru au sein de la communauté ainsi que de l'accroissement de l'aide financière et technique accordée aux groupes et aux institutions communautaires ». La Townshippers Association a aussi tenu un congrès annuel qui a connu un grand succès : plusieurs milliers de personnes se sont rassemblées à Lennoxville, le 16 septembre dernier, pour célébrer le dixième anniversaire de leur association. Enfin, l'année 1989 a vu naître deux nouvelles associations minoritaires, les Coasters de la basse côte nord du Saint-Laurent, ainsi que le Students' Chapter qui regroupe des étudiants de plusieurs universités.

Les provinces de l'Atlantique

L'année 1989 a été une année difficile, mais parfois profitable pour les quelque 300 000 francophones qui habitent les provinces de l'Atlantique. Au Nouveau-Brunswick, les francophones se sont réjouis de l'annonce faite par le premier ministre McKenna de son intention de donner suite au projet d'enchâsser la *Loi reconnaissant l'égalité des deux communautés linguistiques* (loi 88) dans la Constitution canadienne, alors que ceux du sud-est de la province pouvaient applaudir l'élection d'un premier maire acadien à Moncton, M. Léopold Belliveau. Par contre, l'avènement d'un nouveau parti politique opposé au

bilinguisme officiel est venu compliquer le débat linguistique. À l'Île-du-Prince-Édouard, le ministère de l'Éducation annonçait une réforme qui permettra aux francophones de gérer leurs écoles. À Sydney, en Nouvelle-Écosse, les autorités scolaires donnaient suite à une décision de la Cour d'appel et créaient des classes françaises. À Terre-Neuve, la première école française ouvrait ses portes.

Le débat linguistique

Vingt ans après la promulgation de la *Loi sur les langues officielles* du **Nouveau-Brunswick**, l'honorable Louis Robichaud, qui l'avait parrainée, est revenu à sa défense. « C'est énorme quand on y réfléchit (à la Loi) et cela démontre, à mon sens, un esprit de générosité rare surtout quand on connaît le contexte des tensions raciales et linguistiques endémiques chez nous. » Le Commissariat célébrait pour sa part cet anniversaire en lui consacrant un dossier spécial dans sa revue *Langue et Société*, repris par l'*Acadie Nouvelle* de Caraquet, ainsi que le *Telegraph-Journal* et le *Evening Times-Globe* de Saint-Jean. Par ailleurs, la fondation en septembre d'un nouveau parti politique, le Confederation of Regions (CoR), fut un sujet d'inquiétude pour bon nombre d'Acadiens. La constitution de ce parti préconise l'établissement de l'anglais comme seule langue officielle de la province. Ses chefs accusent les gouvernements provincial et fédéral de discrimination en faveur des francophones. Si en règle générale, les Acadiens se sont abstenus de transiger avec les représentants du CoR, en raison des positions « extrémistes » de ces derniers, ils ont reconnu qu'il fallait néanmoins défendre leur position propre. Par exemple, quand un dirigeant du CoR a évoqué le rêve d'un Nouveau-Brunswick et d'un Canada unilingues anglais, l'*Acadie Nouvelle* a riposté dans un éditorial que les francophones et les anglophones peuvent vivre paisiblement ensemble en observant un contrat social qui reconnaisse le plein épanouissement de chacun des deux groupes.

D'autre part, une simple contravention du code routier a donné lieu cette année à un vif débat linguistique. Il s'agit de M. Joseph Gautreau qui a reçu une contravention d'un policier, mais n'a pu être servi dans la langue officielle de son choix. Dans cette affaire, le juge Richard de la Cour du Banc de la Reine rejeta le cas, citant le paragraphe 20 (2) de la *Charte canadienne des droits et libertés* qui stipule que le public au Nouveau-Brunswick a droit à l'emploi du français ou de l'anglais pour communiquer avec les institutions provinciales et en recevoir les services (voir le chapitre 2 de la Partie I). Pour la communauté minoritaire, qui y voyait enfin l'annonce d'une obligation claire des forces policières de les servir dans leur langue première, c'était une décision importante. Malheureusement, en fin d'année, le procureur général, M. James Lockyer, a déclaré qu'il allait en appeler de cette décision. Devant les protestations des Acadiens, il a souligné que les motifs de son appel étaient « de procédure » et non linguistiques.

La politique du gouvernement

Par ailleurs, le gouvernement provincial, à la suite des énoncés de politique de 1988, a prévu des initiatives pour avancer son programme de langues officielles visant à favoriser le dialogue et une plus grande compréhension mutuelle entre francophones et anglophones. Toutefois, les résultats tardent à venir. Voici quelques-unes de ces initiatives :

- une mise en œuvre progressive de la politique en matière de langues officielles et un programme de communication comprenant une bande vidéo pour informer les fonctionnaires et les citoyens;

- une plus grande priorité accordée à l'enseignement de la langue seconde (le français comme l'anglais) dans les écoles du Nouveau-Brunswick, ainsi que des programmes d'échanges entre élèves francophones et anglophones;

- une conférence sur les langues officielles qui pourrait servir à conseiller le gouvernement et faire avancer le dialogue entre les deux communautés linguistiques;

- un programme de jumelage de municipalités francophones et anglophones;

- un Comité du Cabinet, à l'effectif renforcé, chargé du dossier des langues officielles.

D'autre part, devant l'inquiétude de certains anglophones unilingues relativement aux conséquences de la nouvelle politique en ce qui concerne la fonction publique, le président conjoint du Comité ministériel des langues officielles, M. Hubert Seamans, a fait une déclaration rassurante : « Au lieu de tenter de répondre aux besoins de services en désignant des postes individuels, nous avons opté pour une approche par équipe ... Nous jugeons cette solution à la fois équitable et flexible ... Je sais que certaines gens croient que cette politique (linguistique) coûtera leur emploi à des fonctionnaires. C'est complètement faux. Je tiens à réaffirmer que cette politique ne nuira ni à l'emploi ni à la carrière d'aucun fonctionnaire ». [Notre traduction]

La participation francophone

Plusieurs Acadiens ont reproché au gouvernement la faible participation des francophones dans certains secteurs de la fonction publique provinciale. Si dans l'ensemble le taux de participation francophone à la fonction publique est à peu près équitable (il se situe à 32,7 p. 100, alors que les francophones constituent environ 33,5 p. 100 de la population de la province), les francophones sont sous-représentés dans plusieurs groupes d'emploi, notamment chez les cadres et les techniciens. Ils sont également peu nombreux dans certains ministères tels que celui des Transports et le Bureau du Contrôleur général et, de façon générale, dans les bureaux situés dans la capitale. Notons au passage que les francophones détiennent 2 237 (30,7 p. 100) des postes de la fonction publique fédérale au Nouveau-Brunswick, ce qui représente un progrès notable, sans toutefois atteindre l'équilibre parfait.

Les médias

Les coupures budgétaires survenues cette année à Radio-Canada ont été vivement déplorées, compte tenu de l'importance de la contribution de la Société à l'épanouissement des francophones du Nouveau-Brunswick. On craint que les restrictions budgétaires ne réduisent la programmation locale. Point positif : le

CRTC a approuvé l'ouverture de trois nouvelles stations de radio communautaire à Edmundston, Grand-Sault et Saint-Quentin. Par ailleurs, les francophones se sont réjouis cette année d'avoir de nouveau un quotidien provincial de langue française (*L'Évangéline* de Moncton avait dû fermer ses portes en 1982). Grâce à un fonds spécial établi par les gouvernements fédéral et provincial, *L'Acadie Nouvelle*, qui était depuis cinq ans un quotidien régional publié à Caraquet, a su augmenter son tirage et élargir sa distribution à l'échelle de la province. Le président d'alors de la Société des Acadiens et Acadiennes du Nouveau-Brunswick (SAANB), Michel Doucet, a déclaré que c'était un « moment historique » et que le journal *L'Acadie Nouvelle* « répond à un intense besoin au sein de notre communauté ».

L'Université de Moncton

L'Université de Moncton, avec ses campus d'Edmundston et de Shippagan, constitue sans l'ombre d'un doute la source vive du dynamisme culturel des Acadiens. Elle accueille quelque 7 000 étudiants à temps plein auxquels ses nombreuses facultés et départements offrent un large éventail de programmes d'études, allant des sciences forestières à la philosophie. Au cours de ses 25 années d'existence, elle a exercé auprès de la communauté acadienne un leadership intellectuel de premier ordre. Ses installations comme sa réputation ne cessent de s'étendre. Elle s'emploie présentement à mettre sur pied le premier Institut international d'études de Common Law de langue française, qui devrait ouvrir ses portes en 1990.

Affaires municipales

Au niveau municipal, les citoyens de Moncton ont célébré l'élection cette année du maire Léopold Belliveau. Par ailleurs, des représentants d'un nouveau groupe, l'Association francophone des municipalités du Nouveau-Brunswick, ont élu un premier conseil d'administration à Beresford. L'Association, qui regroupe 19 municipalités francophones et bilingues, veut être reconnue par le Conseil provincial des municipalités. En tout, nous estimons qu'environ 10 villes sur 21 et 40 villages sur 88, soit ceux où les francophones représentent plus de 50 p.100 de la population, offrent des services bilingues aux citoyens. Par contre, la langue des délibérations des conseils municipaux demeure généralement l'anglais, sauf lorsque tous les conseillers sont francophones. En fin d'année, à la suite d'une proposition innovatrice du premier ministre McKenna, on assistait au jumelage de plusieurs municipalités francophones et anglophones. Expliquant sa formule de promotion linguistique et de compréhension mutuelle, M. McKenna déclarait : « Je conçois le Nouveau-Brunswick comme une province où nos deux communautés linguistiques peuvent s'épanouir côte à côte dans le respect mutuel et l'harmonie, une province où nos deux communautés peuvent conserver leur caractère distinct tout en travaillant ensemble ... » C'est un vœu auquel toutes les personnes de bonne volonté peuvent souscrire.

Le 27 octobre, le secrétaire d'État, M. Gerry Weiner, et la ministre des Affaires intergouvernementales du Nouveau-Brunswick, M^me^ Aldéa Landry, ont signé une série d'ententes concernant la prestation de services dans les deux langues

officielles, à la fois dans le domaine de l'enseignement et des services gouvernementaux. D'autre part, le premier ministre McKenna a annoncé en novembre la mise en œuvre d'une nouvelle politique administrative relative aux tribunaux judiciaires et administratifs, en vue d'accroître leur niveau de bilinguisme. Par ailleurs, les porte-parole acadiens ont aussi souligné l'importance des services sociaux et de santé en langue française à travers la province, tant pour les services des cliniques locales de première instance que pour les grands centres tels que l'Hôpital régional de Saint-Jean. Le gouvernement provincial s'est engagé à offrir à tous les Néo-Brunswickois les soins de santé dans la langue officielle de leur choix, et l'Hôpital régional a identifié 125 de ses 2 000 postes pour fins de service en français.

Enfin, lors de la réunion annuelle de la SAANB, qui a eu lieu en juin à Bathurst, 200 délégués se sont prononcés en faveur de l'enchâssement de la loi 88 dans la Constitution canadienne, et en fin d'année l'association donnait son appui à un projet de pétition provinciale en faveur d'un plus grand respect de la langue française dans toutes les sphères de la société de la province.

En **Nouvelle-Écosse**, nous signalons que la Cour a rendu cette année une importante décision en matière d'éducation. « Je suis d'avis que d'un point de vue objectif, 50 enfants de parents admissibles — c'est le cas des appelants — habitant dans cette région géographique, est un nombre suffisant pour justifier que des fonds publics soient utilisés pour leur fournir l'enseignement dans la langue de la minorité » [notre traduction]. Telle était la décision unanime de la Cour d'appel de la Nouvelle-Écosse, rédigée par le juge en chef Clarke, dans la cause qui opposait un comité de parents francophones au gouvernement de la Nouvelle-Écosse. En renversant une décision de la Cour suprême de la Nouvelle-Écosse, ce jugement obligeait les autorités scolaires de Sydney à offrir un programme en langue française. C'est ainsi que 46 enfants francophones de la maternelle à la neuvième année ont pu intégrer des classes françaises à l'école Cornwallis de Sydney (voir le chapitre 3 de la Partie I).

Le collège de l'Acadie

À la suite de l'annonce du projet du collège de l'Acadie l'an dernier, un « comité consultatif », sous la présidence de M. Réal Samson, a été mis sur pied pour en assurer la création. Le comité a déjà mené une série de consultations dans les régions acadiennes. Le futur collège aura six centres d'apprentissage à travers la province reliés par un réseau d'enseignement à distance. Des cours-pilotes débuteront en 1990.

Radiodiffusion

Deux Acadiens ont accédé au gouvernement de la province en 1989, Guy LeBlanc, ministre des Services communautaires et responsable des Affaires acadiennes, et Neil LeBlanc, solliciteur général, secrétaire provincial et ministre responsable de la Jeunesse et de la *Loi sur les règlements*. Au cours d'une audience du CRTC, le ministre Guy LeBlanc a réclamé plus de productions radiotélévisuelles régionales et a souligné l'importance de nouvelles en français

pour les communautés françaises hors du Québec. Tout en félicitant Radio-Canada de l'émission « Bonjour Atlantique », des porte-parole de la communauté ont également insisté sur la nécessité d'un plus grand nombre d'émissions locales en langue française. D'autre part, le CRTC a accordé un permis à Radio-Clare, une station de radio communautaire qui pourra commencer à diffuser des émissions aux francophones du sud-ouest de la Nouvelle-Écosse à partir d'avril 1990.

Les services gouvernementaux

Le juge Gerald B. Freeman de la Cour du comté de Shelburne a rendu une décision favorable au pêcheur Daniel Saulnier, lequel n'avait pas été informé dans sa langue première des modifications apportées aux quotas de prise de pêche. Le juge a déclaré que : « Le fait de refuser de reconnaître l'importance de la langue française pour les personnes concernées dans cette région représente non seulement un témoignage d'insensibilité bureaucratique de la part du ministère des Pêches, mais aussi une violation d'un droit inscrit dans la Charte » [notre traduction].

Les associations

Donnant suite au sondage effectué l'an dernier auprès de la population acadienne, la Fédération acadienne de la Nouvelle-Écosse a entrepris un projet de promotion du français dans les régions acadiennes et a ouvert un bureau à Sydney. Son directeur, M. Paul Comeau, a déclaré que « la communauté a besoin de démontrer au gouvernement provincial qu'il y a un souci de s'afficher en français et de réclamer des services en français ». De plus, la Fédération des festivals acadiens de la Nouvelle-Écosse a créé un comité provisoire en prévision de la mise sur pied l'an prochain d'un conseil culturel acadien. Enfin, la Fédération des parents acadiens de la Nouvelle-Écosse célébrait son cinquième anniversaire. La Fédération est d'ailleurs fière de ses réalisations : colloques et sessions de formation pour parents, concours oratoires et camps d'été pour élèves, et associations foyer-école pour les deux !

À l'**Île-du-Prince-Édouard**, des progrès sur le plan scolaire et à d'autres niveaux au sein de la communauté ont donné lieu cette année à un certain optimisme. « Il n'est jamais trop tard pour bien faire, et il semble que le gouvernement provincial affiche une volonté de faire quelque chose ... » Telle est l'évaluation d'un commentateur acadien, un an après la décision de la Cour suprême de l'Île-du-Prince-Édouard portant sur les droits scolaires des francophones. Ayant étudié la possibilité de réformes, le ministère de l'Éducation a rendu public un document de travail traitant d'un système scolaire qui s'inspirera vraisemblablement de la notion d'une « double carte scolaire » comprenant des conseils autonomes pour chaque groupe linguistique. Le gouvernement compte apporter des modifications à sa réglementation scolaire afin de permettre aux francophones de gérer leurs propres écoles.

Éducation

Le gouvernement provincial, qui collabore déjà depuis plusieurs années avec les autres provinces de l'Atlantique dans les dossiers de l'éducation et des affaires linguistiques, a conclu cette année un accord avec le Québec. Celui-ci prévoit

des échanges d'étudiants, d'enseignants et de fonctionnaires, ainsi que la mise sur pied d'une commission permanente ayant pour objet de faciliter la collaboration entre les deux provinces. Par ailleurs, le ministre de l'Éducation, M. Paul Connolly, a signé avec le secrétaire d'État, M. Gerry Weiner, une entente de cinq ans portant sur l'enseignement du français langue première et langue seconde. Les plans pour la construction d'un centre scolaire et communautaire à Charlottetown sont en voie de concrétisation. Le conseil d'administration provisoire responsable du projet a annoncé que le centre s'appellerait « Le Carrefour de l'Isle-St-Jean ». On compte choisir un emplacement et lancer les appels d'offres prochainement.

Radiodiffusion et services gouvernementaux en français

Lors d'audiences du CRTC sur le renouvellement des permis de Radio-Canada, les francophones de l'Île ont exprimé leur mécontentement concernant l'absence de programmation locale en langue française. Il n'existe pas de studios de la Société à l'Île, toute la programmation provenant de Moncton. Par ailleurs, la Société Saint-Thomas d'Aquin, qui célébrait son 70e anniversaire de fondation, étudie la possibilité d'établir une station de radio communautaire.

Des représentants de la minorité ont réclamé des gestionnaires fédéraux locaux de meilleurs services en français et un annuaire indiquant les numéros des bureaux offrant des services en français a été préparé. Pour sa part, le gouvernement provincial a adopté une politique linguistique qui, selon le premier ministre Ghiz, « vise à augmenter la capacité du gouvernement provincial de permettre aux francophones de communiquer avec le gouvernement dans les deux langues ... (et) à favoriser l'épanouissement de la culture acadienne ». Par ailleurs, la décision du gouvernement fédéral de fermer la base militaire de Summerside inquiète beaucoup les habitants de la région. Étant donné que quelque 1 300 personnes dans les districts à forte concentration acadienne risquent de perdre leur emploi, certains parlent même d'une « deuxième dispersion ».

À **Terre-Neuve**, la capitale a connu une crise scolaire. « Il est urgent que nos enfants étudient le plus tôt possible dans leur langue maternelle car l'assimilation à l'anglais gagne du terrain tous les jours. C'est là la tragédie qu'il faut corriger ... » C'est dans ces termes que le président du Comité des parents pour une éducation en français de Saint-Jean, M. Michel Clair, défendait sa cause au moment de se présenter devant la Cour suprême de Terre-Neuve en septembre. Les parents de Saint-Jean revendiquent des classes françaises pour leurs enfants en vertu de l'article 23 de la Charte. Jusqu'ici, le conseil scolaire de Saint-Jean et la province ont fait la sourde oreille. Selon eux, le nombre d'enfants (17) ne justifie pas ces classes. Les parents font valoir que des communautés francophones de l'ouest de la province et du Labrador disposent déjà de classes françaises. Ils soulignent en outre qu'un récent rapport de l'Institut canadien d'éducation des adultes fait état d'un sérieux problème d'analphabétisme chez les francophones de la province, et que cet analphabétisme pourrait être lié à l'absence d'écoles françaises. Au moment de mettre sous presse, nous avons appris que le comité

des parents a accepté de remettre la date du procès au mois d'avril 1990 et que de nouvelles rencontres ont lieu avec le ministère de l'Éducation.

Si le baromètre linguistique était à « variable » cette année à Saint-Jean, il faisait plus beau dans l'ouest de Terre-Neuve. C'est à Grand'Terre, le 7 février, que la première école de langue française de la province, l'école Sainte-Anne, a ouvert ses portes pour accueillir 64 élèves de la pré-maternelle à la quatrième année. L'école sert également de centre communautaire.

La FFTNL La Fédération des francophones de Terre-Neuve et du Labrador (FFTNL) a eu une année chargée. De concert avec des groupes locaux, sa première cible fut le dossier sur l'éducation. Elle a également participé à l'élaboration de projets de radio communautaire au Labrador et à Saint-Jean, ainsi qu'à d'autres projets de développement communautaire.

Des gens d'affaires de la région de Port-au-Port ont exploré cette année la possibilité de créer un parc, « Au Boutte du Cap ». Un rapport d'étude révèle que le potentiel de l'industrie touristique pourrait être exploité davantage et que « la région est caractérisée par un riche et unique patrimoine culturel qui complémente un milieu naturel exceptionnel ». Par ailleurs, les francophones de Grand'Terre et de Cap-St-Georges réclament depuis quelques années déjà la construction d'une route qui relierait ces deux communautés de la péninsule. Enfin, le maire de Cap-St-Georges a déclaré, à la suite de rencontres avec des représentants de la province, que sa municipalité jouira bientôt du statut de ville. Cap-St-Georges deviendrait alors la première ville à majorité francophone de la province !

PARTIE V

L'enseignement de la langue seconde

1. Vue d'ensemble : les paradoxes de la croissance

Le présent chapitre est consacré aux jeunes. Le pays dont nos enfants hériteront sera différent à bien des égards de celui qui nous a vus grandir. Et c'est manifestement le système scolaire qui les préparera à vivre dans le Canada du 21e siècle. En se familiarisant avec le monde de l'informatique, nombre d'élèves apprendront un nouveau mode de communication qui enrichira leur future carrière ainsi que leurs loisirs. Tout aussi importante pour des milliers d'enfants et de jeunes est la possibilité d'apprivoiser leur seconde langue officielle. Cet apprentissage donnera à la prochaine génération de Canadiens les moyens de communiquer entre eux à titre d'amis ou de collègues et ce, indépendamment de leur première langue officielle.

Dans les pages qui suivent, nous traitons des développements qui sont survenus au cours de l'année dans l'enseignement de la langue seconde, d'abord de façon globale, puis en nous arrêtant à chacune des provinces. La question de l'enseignement dans la langue minoritaire (le français en dehors du Québec et l'anglais au Québec) est abordée dans la Partie IV.

Les inscriptions

Le nombre de jeunes anglophones qui étudient le français à l'élémentaire et au secondaire ne cesse de croître. Presque deux millions d'élèves des écoles publiques de langue anglaise suivaient des cours de français réguliers ou étaient inscrits à des programmes immersifs en 1989-1990. Cela représente une hausse de quelque 20 p. 100 relativement à 1977-1978. En 1989-1990, on estime à 256 370 le nombre d'enfants inscrits à ces programmes, soit un accroissement de 7 p. 100 par rapport à l'année précédente. Au Québec, on évalue à 586 850 le nombre de jeunes francophones qui étudiaient l'anglais en 1989-1990, l'apprentissage de cette langue y étant obligatoire de la quatrième année à la fin du secondaire. On trouvera au tableau D.1 de la page 282 toutes les données à ce sujet, pour chacune des provinces.

La qualité de l'enseignement

Les éducateurs canadiens continuent manifestement d'appuyer l'engagement du gouvernement fédéral — explicité dans la *Loi sur les langues officielles* de 1988 — pour ce qui est de l'élargissement des chances d'apprentissage du français et de l'anglais. S'ils comprennent la nécessité de multiplier les programmes, ils conçoivent par ailleurs que ces derniers doivent être d'excellente qualité. Aussi notons-nous avec plaisir cette année qu'un grand nombre de provinces ont poursuivi l'examen de leurs programmes d'enseignement de la langue seconde par le biais de comités ministériels *ad hoc* et en révisant leurs programmes d'études.

Au Nouveau-Brunswick, par exemple, le premier ministre McKenna a officiellement réitéré à l'été 1989 son engagement à l'égard du bilinguisme, en même temps que le ministère de l'Éducation publiait deux rapports sur l'enseignement de la langue seconde. De plus, un projet fort enthousiasmant d'autoapprentissage, fondé sur les techniques audiovisuelles, y est en cours de réalisation. On trouvera plus de détails à ce sujet dans le Survol régional. Pour sa part, le Québec tient des consultations publiques en vue d'améliorer l'enseignement du français et de l'anglais, langues secondes. En Ontario, on s'affaire à la mise au point du matériel pédagogique et des principes directeurs intéressant l'immersion en français, tandis que la Saskatchewan travaille à l'amélioration de l'ensemble de son programme d'études. À ces sujets également, on trouvera plus de détails dans le Survol régional.

À la lumière des lignes de conduite définies dans le protocole signé par le gouvernement fédéral et le Conseil des ministres de l'Éducation du Canada, relativement à l'enseignement dans la langue minoritaire et de la langue seconde, le Secrétariat d'État a établi cette année des accords avec toutes les provinces et les territoires dans ces deux secteurs. Le budget du Programme des langues officielles dans l'enseignement pour les cinq années de vie de ces ententes, soit de 1988-1989 à 1992-1993, atteindra 1,225 milliard de dollars. Pendant l'exercice 1988-1989, 79 millions ont été versés aux provinces pour les aider à faire face aux dépenses supplémentaires reliées à l'enseignement de la langue seconde.

Étude nationale sur les programmes-cadres de français

Les résultats d'une importante étude en cours depuis plusieurs années, l'*Étude nationale sur les programmes-cadres de français*, ont été divulgués lors du congrès annuel de l'Association canadienne des professeurs de langues secondes en mai 1989. L'étude, financée par le Secrétariat d'État, aura un effet considérable à travers le pays sur les programmes-cadres de français, c'est-à-dire les cours de français réguliers, à l'élémentaire et au secondaire, tels que les connaissent la plupart des gens. L'importance de l'étude réside dans le fait que c'est la première enquête en profondeur, effectuée au cours d'une longue période, sur les programmes-cadres de français à l'échelle du Canada. De nombreux intervenants

de toutes les régions du pays ont élaboré de nouveaux matériels didactiques à titre expérimental, des bibliographies et d'autres ressources dont on commence à peine à tirer profit.

Les 92 conclusions de l'étude reposent sur l'idée fondamentale que les programmes-cadres de français doivent comporter quatre éléments : le langage, la communication, la culture et une connaissance générale de la langue. On s'efforce actuellement de former les enseignants qui mettront en pratique ce programme aux multiples dimensions, tandis que les ministères provinciaux et les maisons d'édition examinent le programme-modèle de l'étude en vue de la production du matériel nécessaire. Le nouveau programme-cadre a pour objectif de faire en sorte que les élèves soient capables de communiquer dans leur langue seconde à la fin de leurs études secondaires. L'étude définit les conditions nécessaires à la réalisation de cet objectif : l'enseignant doit parler couramment le français ; sa formation doit lui permettre d'employer les méthodes les plus récentes basées sur la communication ; on doit augmenter le temps consacré à l'étude de la langue seconde (40 minutes par jour de la quatrième à la douzième année).

L'immersion en français

Le principe de l'immersion en français entre aujourd'hui dans la force de l'âge. Cette année, au moment où certaines provinces voient pour la première fois les finissants des programmes d'immersion quitter l'école secondaire, ces programmes prennent enfin toute la place qui leur revient au sein du système d'enseignement. L'immersion commence généralement à l'un des trois moments suivants : la maternelle ou la première année (immersion longue) ; la quatrième année (immersion de durée moyenne) ; la sixième ou la septième année (immersion courte). Naturellement, l'immersion étant désormais bien établie, les conseils scolaires des diverses régions du pays s'emploient à revoir leurs programmes pour déterminer s'ils répondent, dans toute la mesure du possible, aux besoins des élèves.

Au mois de mai 1989, l'Université McGill a tenu à Estérel (Québec) une conférence sur le bilinguisme, le multiculturalisme et l'enseignement de la langue seconde. On y a abordé notamment la question de l'immersion et de ses avantages, et les chercheurs ont insisté une fois de plus sur le fait qu'il n'existe pas d'âge pour entreprendre un programme d'immersion qui soit « le meilleur » pour tous les enfants. De plus, ils ont rappelé aux participants qu'on ne doit pas attendre des finissants des programmes d'immersion la compétence d'un francophone d'origine ; ces programmes n'en permettent pas moins d'acquérir une excellente maîtrise de la langue et une confiance importante sur lesquelles l'élève pourra s'appuyer plus tard, s'il décide de vivre dans un milieu majoritairement francophone.

Toutefois, les élèves ont tendance à abandonner l'immersion au moment de commencer le secondaire, et ce phénomène inquiète particulièrement les parents et

les éducateurs. Un représentant du Conseil scolaire d'Ottawa a insisté sur le fait qu'il faut une « masse critique » d'élèves pour pouvoir offrir un bon choix de cours, et qu'il conviendrait de dispenser certains cours obligatoires en français.

Une étude réalisée par le Conseil scolaire de Carleton (Ontario) a montré qu'entre 50 et 75 p. 100 des élèves abandonnent le programme d'immersion (mais non leurs études) au cours du secondaire. Certains désirent suivre des amis qui changent d'école ou obtenir les plus hautes notes possible en vue d'être acceptés à l'université ; d'autres ne croient pas que leur connaissance du français s'amenuisera s'ils ne l'utilisent pas. C'est un peu pour cette raison que l'organisme Canadian Parents for French (CPF) a lancé, il y a quelques années, sa série de « Rendez-vous ». Ayant pour but de ranimer l'intérêt des élèves qui en sont à un point critique de leurs études, le Rendez-vous est un congrès d'élèves qui rassemble les jeunes au cours d'une série d'activités devant se dérouler en français, que ce soit en produisant un bulletin d'information pour la rencontre, en composant une chanson ou en préparant un sketch. Bientôt, si les ressources financières le permettent, les Rendez-vous se tiendront tout aussi régulièrement et dans des lieux aussi variés que le Festival national d'art oratoire — le concours d'élocution française de la CPF — qui attire chaque année quelque 55 000 étudiants. Parmi les faits marquants des Rendez-vous de 1989, signalons les rencontres jumelées du Cap-Breton et de Saint-Joseph au Nouveau-Brunswick, ainsi que de l'est et de l'ouest du Québec. La Colombie-Britannique, l'Alberta et le Manitoba, qui n'ont pas encore eu l'occasion de tenir un Rendez-vous, ont l'intention de combler cette lacune en 1990 si les fonds le permettent. Chacun des Rendez-vous en question doit également accueillir des élèves venant des Territoires du Nord-Ouest et du Yukon.

Les activités connexes

Même s'il n'existe aucune étude récente pour le prouver, les enseignants, les parents et les élèves sont tous d'accord pour dire que les échanges, les colonies de vacances en français et les autres activités du même genre ajoutent de façon incommensurable à la valeur de l'enseignement en classe. Une autre innovation, plus modeste dans sa portée que les Rendez-vous, a néanmoins de quoi émouvoir. Un professeur du programme d'apprentissage intensif de l'anglais, qui connaît un grand succès au Québec, a mis sur pied un système de correspondance entre ses élèves de la sixième année et un groupe d'anglophones du troisième âge. Les enfants et les personnes âgées sont jumelées et, à la fin du cours, tous se réunissent pour une fête. De toute évidence, la richesse de l'expérience déborde largement les bénéfices linguistiques, qui n'en sont pas moins considérables.

Le Secrétariat d'État continue d'offrir ses excellents Programme de moniteurs de langues officielles et Programme de bourses d'été, et la Société éducative de visites et d'échanges au Canada reste l'une des ressources les plus importantes pour les étudiants qui désirent participer à un échange. Dans quelques provinces, notamment le Québec et le Nouveau-Brunswick, ce sont les échanges intra-

provinciaux qui retiennent surtout l'attention. Il n'est pas nécessaire pour les jeunes francophones québécois de se rendre jusqu'en Alberta, par exemple, pour mettre en pratique leur langue seconde. Les échanges à l'intérieur d'une même province peuvent s'avérer moins coûteux et plus efficaces que de longs voyages.

Enfin, la Canadian Parents for French réalise actuellement une bande vidéo portant sur ses activités les plus fructueuses. Ce documentaire vise à faire connaître les activités connexes et à accroître le nombre de ceux qui y participent. On a déjà tourné quelques séquences dans une colonie de vacances familiale en Colombie-Britannique, lors des finales du Festival national d'art oratoire à Charlottetown et au Camp de Toronto. Avant le montage final, la CPF espère également inclure quelques scènes du Rendez-vous de la Saskatchewan et du Camp de neige des Territoires du Nord-Ouest. On s'attend à ce que la bande vidéo soit prête pour distribution à la fin de 1990.

Canadian Parents for French (CPF)

Il est important de souligner que l'association Canadian Parents for French ne s'est pas contentée cette année d'organiser des activités parascolaires. La CPF constitue en premier lieu un groupe de pression qui vise à accroître et à améliorer les programmes de français langue seconde. Le groupe met l'accent sur trois domaines d'activité : les programmes d'immersion, les programmes-cadres de français et l'appui aux groupes de pression qui réclament l'amélioration de la qualité de l'enseignement du français en tant que langue maternelle. Le Commissariat collabore étroitement avec la CPF, comme en ont certainement déjà pris conscience les lecteurs du Rapport annuel et de notre revue trimestrielle *Langue et Société*. En plus d'appuyer les réunions et les événements spéciaux du groupe et d'y assister, nous échangeons régulièrement avec ce groupe les renseignements et les opinions à l'échelle centrale et régionale. Chaque fois qu'il le peut, le Commissaire rencontre les représentants de la CPF dans la région où il se trouve. L'une des campagnes les plus importantes menées cette année par le groupe avait pour slogan « Learning French Matters » — apprendre le français c'est important — et comportait notamment des annonces publicitaires dans les systèmes de transport publics à travers le pays. Dans des messages d'un rouge distinctif, des Canadiens célèbres tels l'astronaute Marc Garneau et la journaliste Mary Lou Finlay soulignaient les bienfaits de l'apprentissage du français. En janvier 1990, la CPF lançait une version largement remaniée de son manuel intitulé *So You Want Your Child to Learn French!*, destiné à aider les parents à choisir le meilleur programme de français langue seconde pour leur enfant. Les efforts louables de la CPF contribuent à sensibiliser le pays à l'importance d'un enseignement de qualité dans le domaine de la langue seconde.

La formation des enseignants

Pour assurer non seulement la quantité, mais aussi la qualité des chances offertes en matière d'éducation, il est essentiel de former des enseignants de la plus haute

compétence. Dans le cas des professeurs de langue, cette formation revêt naturellement deux aspects : la pédagogie et la connaissance de la langue. La demande d'enseignants de la langue seconde est telle au Canada que nous avons besoin, à l'échelle du pays, d'une large gamme de programmes destinés non seulement à former d'excellents professeurs, mais aussi à tenir les enseignants actuels au courant de l'évolution de leur domaine, et dans certains cas à leur accorder ce qui constitue presque une nouvelle formation (notamment en ce qui a trait à la nouvelle méthode d'enseignement de la langue, basée sur la communication).

Le Secrétariat d'État et les représentants des provinces et des territoires ont discuté de l'importance de la formation des enseignants lors de leur rencontre annuelle portant sur le Programme des langues officielles dans l'enseignement. D'autre part, l'Université d'Ottawa propose un nouveau programme de baccalauréat d'une durée de quatre ans en enseignement de la langue seconde. Il semble que d'autres universités envisagent d'élaborer des programmes du même genre, qui viendraient ainsi s'ajouter à l'excellent travail qu'accomplissent déjà plusieurs universités ou collèges dans tout le pays.

Parmi d'autres initiatives intéressantes, signalons le programme de formation réciproque à l'intention des enseignants de français, qui a été mis sur pied par le ministère de l'Éducation de l'Île-du-Prince-Édouard. En vertu de ce programme, inspiré d'une idée de l'*Étude nationale sur les programmes-cadres de français*, tous les professeurs du premier cycle du secondaire de la province ont participé au mois d'octobre à une session de formation et d'entraide d'une journée. Désormais, les enseignants groupés par deux s'aideront réciproquement à améliorer leurs méthodes pédagogiques en formulant des critiques constructives. Une fois le programme bien établi, on procédera vraisemblablement à une évaluation. La Saskatchewan, pour sa part, a mis au point pour les enseignants de la langue seconde un programme flexible de perfectionnement professionnel qui touche à la fois la compétence linguistique et la pédagogie, chacun de ces aspects faisant l'objet de 30 heures de cours ; on peut les combiner en un programme d'immersion ou suivre un cours de trois heures chaque semaine durant 30 semaines. L'une des versions du programme a été réalisée en collaboration avec le Cegep de Jonquière, au Québec, en utilisant le programme d'apprentissage linguistique du collège et le cours du Ministère en matière de méthodes d'enseignement. Environ 600 professeurs ont pris part au programme depuis l'été de 1988.

La pénurie d'enseignants

La pénurie d'enseignants constitue sans doute le plus grave problème auquel les responsables des programmes de français langue seconde (cela est également vrai des programmes de français langue maternelle) doivent faire face. Certaines provinces, comme la Colombie-Britannique, en ressentent les effets depuis plusieurs années déjà, et presque toutes les provinces éprouvent aujourd'hui des

difficultés plus ou moins grandes, selon les cas, à trouver un nombre suffisant de professeurs qualifiés pour les programmes d'immersion et les programmes-cadres. Une étude récente, *Perspectives on Teacher Supply and Demand in Ontario, 1988-2008*, menée par Laverne Smith pour le compte du ministère de l'Éducation de l'Ontario, indiquait que le français était l'une des spécialisations les plus en demande dans cette province.

La pénurie d'enseignants entraîne notamment le risque d'une réduction de la qualité des programmes. En l'absence d'excellents candidats, certaines écoles n'auront probablement d'autre choix que d'engager une personne moins qualifiée. Le rapport Smith affirme d'ailleurs qu'en Ontario en 1988, « parmi les matières pour lesquelles on dit avoir engagé des enseignants non qualifiés, c'est le français qui revient le plus souvent ». C'est ainsi qu'on assiste à la multiplication des lettres de dérogation autorisant l'embauche d'un enseignant qui ne possède pas toutes les qualifications habituelles pour combler les postes d'enseignant du français.

Le maintien d'un nombre suffisant de professeurs est toujours délicat ; il exige le contrôle de données sur les élèves et les enseignants que certains conseils scolaires n'ont tout simplement pas les moyens de recueillir. Les professeurs qui maîtrisent suffisamment le français pour enseigner dans les programmes-cadres — et *a fortiori* dans les programmes d'immersion — sont particulièrement rares et se trouvent concentrés dans le centre du pays. L'évaluation de la demande exige une excellente communication entre les écoles, les conseils scolaires et les ministères de l'Éducation ; l'accroissement du nombre de professeurs disponibles est une tâche encore plus difficile, qu'il faut certainement envisager comme un projet à long terme.

L'enseignement assisté par ordinateur et le télé-enseignement peuvent contribuer à soulager les enseignants surchargés. Chaque province affronte des circonstances différentes, et les dimensions du problème varient beaucoup d'une région à l'autre, s'avérant parfois importantes, parfois modestes. Dans le Survol régional, on discute des efforts déployés par certaines provinces pour répondre à la pénurie. Par exemple, les facultés des sciences de l'éducation de l'Ontario augmentent leurs inscriptions, la Colombie-Britannique a créé un groupe de travail qui se penchera sur la question, et le Manitoba a recours au télé-enseignement pour former des professeurs de français dans les divisions scolaires de Saint-Boniface et de Swan Valley. Presque tous les ministères de l'Éducation étudient présentement les moyens d'améliorer les processus de recrutement, de formation et de recyclage des enseignants de la langue seconde.

Le maintien de l'acquis en langue seconde

Au sortir de leurs études secondaires, nombre d'étudiants se dirigeront peut-être vers l'université. Et s'ils se sont efforcés d'apprendre leur seconde langue officielle, ils chercheront à saisir les occasions d'améliorer leur connaissance de

cette langue au niveau postsecondaire. Quant à savoir si les universités peuvent ou devraient répondre à ce besoin, le débat se poursuit depuis plusieurs années et les Commissaires successifs ont fait clairement connaître leurs vues à ce sujet. De façon réaliste, on ne peut s'attendre à ce que les établissements capables d'offrir des programmes complets dans les deux langues officielles soient nombreux. En revanche, dans bien des campus il serait possible d'encourager des clubs, des résidences et des activités centrés sur le français ainsi que des cours spécialisés visant à transmettre le vocabulaire de certaines disciplines ou de certaines professions. On se gardera bien de confondre ces initiatives, qui profitent principalement aux anglophones bilingues, avec l'enseignement postsecondaire en français aux minorités francophones, une question sans rapport avec la première et revêtant un caractère des plus urgents.

Diverses universités ont commencé à axer leurs programmes sur les besoins des nouveaux anglophones bilingues. À l'Université d'Ottawa, les étudiants anglophones peuvent suivre en français certains cours d'initiation (entre autres, en psychologie) avec les étudiants francophones. Parallèlement, il leur est loisible de s'inscrire à un cours de langue spécialement destiné à les familiariser avec le vocabulaire se rapportant aux études qu'ils poursuivent. Cette possibilité n'est bien sûr offerte que dans des établissements bilingues comme l'Université d'Ottawa. À l'Université de Guelph (Ontario), divers programmes, principalement suivis par des anglophones, sont dispensés en français, parmi lesquels l'histoire de l'art, les sciences sociales (histoire et sociologie), les études sur les consommateurs (commercialisation), l'hôtellerie et l'art culinaire. Le Language Training Institute de l'Université de Regina devrait voir son bâtiment achevé d'ici juillet 1991. L'infrastructure et la vocation précises de l'Institut ne sont pas encore définies, mais en attendant, l'université continue d'offrir une vaste gamme de cours en français, accessibles aux anglophones bilingues ainsi qu'aux francophones, et de former des professeurs de français langue seconde.

Dans ce contexte, il importe de mentionner les recherches visant à comprendre pourquoi certaines personnes réussissent à maintenir une connaissance pratique de leur langue seconde et d'autres non. Comme nous le dicte le bon sens et nous le confirment les études à ce sujet, cette question n'est pas facile à élucider. La réponse dépend de divers facteurs, parmi lesquels la durée et la qualité de la période initiale d'apprentissage de même que l'aptitude, la motivation et la connaissance d'autres langues.

À ce chapitre, au moins deux nouvelles études valent d'être mentionnées. La première, entreprise par l'Institut d'études pédagogiques de l'Ontario (IEPO), portait sur un groupe de diplômés du programme d'immersion en français qui poursuivaient des études universitaires. Il en est ressorti que « près de 60 p. 100 des personnes inscrites aux cours » prenaient toujours au moins un demi-cours en français et que plus de 40 p. 100 d'entre eux auraient souhaité en suivre davantage. Bien que des « minorités relativement petites » estimaient que leur aptitude

à parler et à écrire s'apparentait à celle des locuteurs d'origine, « une majorité a affirmé la même chose quant à sa capacité de compréhension et une quasi-majorité quant à son aptitude à lire ». L'Université d'Ottawa poursuit une étude longitudinale parmi les étudiants en immersion du Conseil scolaire d'Ottawa. On a suivi l'évolution de deux groupes jusqu'à l'université. Au début, les deux groupes ont fait montre d'un degré élevé de confiance et d'aptitude. Le premier groupe (entré à la maternelle en 1971) n'a perdu que peu de sa compétence en français à mesure qu'il avançait dans ses études universitaires et ce, quel que fut par ailleurs son degré d'exposition au français. L'évaluation du second groupe (entré à la maternelle en 1974) est attendue pour 1991.

Comme nous l'avons rapporté l'an dernier, le Commissariat aux langues officielles a demandé à l'IEPO de mener une étude sur le maintien de l'acquis en langue seconde. Cette étude, qui comprend une bibliographie et un résumé des questions, est disponible à nos bureaux. Les recherches indiquent que les étudiants ayant atteint un haut niveau de compétence arrivent à la conserver longtemps, même sans pratique ou presque, alors que les autres ont tendance à la perdre s'ils ne sont pas constamment en rapport étroit avec la langue seconde. De plus, le rythme de détérioration des habiletés linguistiques est variable ; les aptitudes passives (lire et écouter) tendent à mieux résister que les capacités actives (écrire et parler). À la suite de cette initiative, le Commissariat se propose d'appuyer d'autres recherches en ce domaine qui porteraient sur le recensement des stratégies particulières de maintien de l'acquis et sur un survol des ressources communautaires qui pourraient s'avérer utiles à cet égard. Ces recherches viendraient compléter, puis prolonger les travaux antérieurs en ce domaine et, nous l'espérons, apporteraient aux étudiants des conseils utiles et précis en cette matière. Cette question revêt à nos yeux la plus haute importance. Il n'est manifestement pas suffisant d'enseigner les rudiments du français ou de l'anglais seulement en fonction des examens ; cet enseignement doit viser à doter les jeunes de la maîtrise d'une langue qu'ils pourront utiliser toute leur vie.

Conclusion

Le Canada du 21e siècle sera un pays riche en ressources — non seulement en ressources naturelles, mais aussi en ressources culturelles. Nous voyons un pays à multiples facettes s'édifier autour de nous, un pays dont on pourra à juste titre tirer fierté. Nous réitérons notre conviction que le Canada — dans l'intérêt d'une meilleure communication et pour établir les objectifs et idéaux communs qui nous aideront à œuvrer ensemble au sein d'une même nation — doit comprendre des citoyens qui parlent les deux langues officielles. Nous pensons, à l'instar de beaucoup de Canadiens, qu'en initiant nos jeunes à leur seconde langue officielle, nous semons les graines de l'harmonie et de la compréhension pour l'avenir, nous préparons un terrain linguistique commun propice au dialogue national.

***

L'an dernier, nous avions formulé cinq recommandations et nous estimons opportun de les reprendre cette année. Les différentes réponses du Secrétariat d'État à ces recommandations allaient de la considération de changements d'orientation à la formulation d'un soutien à la recherche et à l'exploration de débouchés pour les travaux conjoints fédéraux-provinciaux et le financement de discussions interprovinciales. Nous sommes conscients de la nécessité de planifier, mais nous avons bien hâte de pouvoir faire état de progrès plus marqués.

2. Survol régional : on s'interroge à bon escient

Le climat qui prévaut dans l'enseignement de la langue seconde varie d'année en année et d'une province à l'autre. Voici un état des progrès les plus notables enregistrés à ce chapitre à travers le pays.

Terre-Neuve

Le ministère de l'Éducation étudie présentement les suggestions du Groupe de travail pour l'élaboration d'un programme-cadre de français enrichi. Créé en septembre 1988, à la suite des recommandations du Comité consultatif des programmes de français, ce comité se compose d'un représentant des autorités provinciales, d'un coordonnateur du français et de deux enseignants. Ses conclusions et recommandations devraient être annoncées début 1990. Dans l'intervalle, le Ministère s'attache à élaborer un programme d'études pour l'immersion aux niveaux préscolaire et primaire ainsi que des outils appropriés pour l'enseignement du français langue seconde.

Île-du-Prince-Édouard

L'ébauche d'une étude du programme des cours élémentaires vient juste d'être achevée. Le rapport attendu en 1990 devrait recommander l'adoption d'un programme-cadre normalisé pour la province, incluant l'enseignement obligatoire du français langue seconde. La province recommande maintenant 30 minutes par jour d'apprentissage du français de la quatrième à la sixième année, 40 minutes de la septième à la neuvième année, et un crédit pour le secondaire. Cette année, la Canadian Parents for French (CPF) a commandité un « Fun Day Sunday » : une manifestation d'une journée destinée à susciter l'intérêt des enfants d'âge préscolaire pour les activités en français. D'autre part, les membres du corps enseignant et de la CPF envisagent d'organiser des ateliers pour les parents d'élèves en immersion qui ne savent pas comment aider leurs enfants à faire leurs devoirs de français et à participer à des activités en français, en particulier lorsqu'ils ne parlent pas eux-mêmes cette langue.

Nouvelle-Écosse

En avril dernier, le ministre de l'Éducation a donné son accord de principe aux recommandations formulées par le Comité consultatif des programmes d'études des écoles publiques. Entre autres choses, le Comité a recommandé l'introduction au secondaire d'un cours de français obligatoire d'un crédit en déclarant : « Une connaissance du français est un atout, voire parfois une exigence dans la vie professionnelle et les loisirs des Canadiens et, de plus en plus, sur la scène politique canadienne ». Ce programme visera les étudiants du deuxième cycle du secondaire à compter de 1995. Un guide pédagogique pour le programme-cadre d'enseignement du français au niveau élémentaire a vu le jour en janvier 1989 et des guides sur l'immersion en français sont en préparation. La première liste officielle des manuels scolaires pour les classes d'immersion a paru cette année, ce qui a permis la normalisation de ces programmes à la grandeur de la province. Une politique globale en matière d'immersion est sur le point d'être énoncée. Les premiers finissants des classes d'immersion longue ont reçu leur diplôme à Sydney en juin dernier et un nouveau camp provincial pour les 15-17 ans, financé par la Canadian Parents for French, a remporté un tel succès qu'un étudiant a envoyé sa formule et ses frais d'inscription en octobre afin d'être sûr d'avoir une place pour l'été prochain.

Nouveau-Brunswick

Au Nouveau-Brunswick, qui reste un chef de file au chapitre de l'enseignement de la langue seconde, le premier ministre Frank McKenna a déclaré publiquement au cours de l'année que son gouvernement était fermement décidé à améliorer l'enseignement du français et de l'anglais dans la province, précisant que la survie de la province reposait sur l'affirmation de son bilinguisme. « Les jeunes sont très bien disposés à cet égard, a-t-il déclaré, et nous ne devons ménager aucun effort pour qu'ils comprennent bien la nature du Nouveau-Brunswick. » Il a également fait valoir l'importance de voir à ce que les étudiants — tant francophones qu'anglophones — puissent communiquer entre eux. À cette occasion, M. McKenna a également rendu publics deux rapports, l'un portant sur l'enseignement de l'anglais dans le système francophone, et l'autre sur le français langue seconde, le titre commun : *Rapports des comités d'études à la ministre de l'Éducation sur l'enseignement de la langue seconde*. Le premier, sur l'anglais langue seconde, est le fruit de recherches effectuées en 1987. Ses 12 recommandations vont de l'appréciation des aptitudes linguistiques chez les étudiants de la dixième année à l'évaluation du programme et à l'achat du matériel pédagogique. Le rapport insiste également sur l'importance des diverses mesures d'appui du Secrétariat d'État, notamment le Programme de moniteurs de langues officielles et le Programme de bourses d'été. Le rapport sur le français langue seconde a été achevé en septembre 1989. Il renferme 56 recommandations touchant l'amélioration des programmes de français dans la province ; elles portent plus particulièrement sur l'enrichissement des programmes-cadres et immersifs actuels, l'accroissement des activités

parascolaires, l'exploration des possibilités d'immersion au niveau post-secondaire et la normalisation des exigences en matière de compétence linguistique des professeurs. Le 1er novembre dernier, le gouvernement a fait connaître ses réactions concernant ces rapports. La ministre de l'Éducation a déclaré qu'elle s'apprêtait à élaborer des plans d'action fondés sur ses deux rapports. Quelques recommandations seront mises en œuvre immédiatement, d'autres le seront dans un an ou deux, tandis que certaines feront l'objet d'un examen plus approfondi. La pénurie d'enseignants commence à se faire sentir. Chaque année, le Nouveau-Brunswick produit assez d'enseignants pour ses besoins, mais beaucoup finissent par travailler dans d'autres provinces.

On a également publié cette année les résultats du programme autodidactique d'enseignement de l'anglais langue seconde par la méthode audiovisuelle, dont nous avions fait état l'an dernier. Le programme a été une réussite complète. La méthode a manifestement permis d'accroître le rythme d'apprentissage, l'intérêt des étudiants et la facilité de contrôle. Dans le rapport *English as a Second-Language, The New-Brunswick Project, an experiment in staged self-directed language acquisition*, le Ministère a annoncé son intention de poursuivre la mise au point de l'expérience. Quelque 3 000 enfants devraient cette année pouvoir profiter des avantages de cette méthode.

Québec

En conformité avec l'engagement pris par le ministre de l'Éducation, Claude Ryan, engagement dont nous faisions état dans notre dernier rapport, le ministère de l'Éducation du Québec a entamé une série de consultations auprès de représentants de parents, d'étudiants, d'administrateurs scolaires et d'enseignants en vue d'élaborer un plan d'action visant à corriger des problèmes précis dans les programmes d'enseignement du français et de l'anglais en tant que langues secondes. La démarche est la même que celle adoptée pour la préparation d'un plan d'action pour l'amélioration de l'enseignement du français langue maternelle.

L'étude de l'anglais langue seconde est obligatoire au Québec à partir de la quatrième année. Certaines commissions scolaires offraient des cours d'anglais langue seconde au premier cycle, faisant ainsi fi du régime pédagogique provincial. Après que la Cour suprême du Canada eut statué, l'an dernier, que le Ministère avait le droit d'imposer de telles restrictions, le ministre enjoignit les commissions scolaires concernées de se conformer aux directives. L'Association des commissions scolaires protestantes du Québec a interjeté appel en août dernier, sans pour autant que la Cour ne modifie sa décision (voir l'analyse détaillée de ce jugement dans le chapitre 2 de la Partie I). Le gouvernement québécois veut s'assurer que les élèves francophones acquièrent une solide

connaissance de base de leur langue maternelle avant de commencer l'apprentissage d'une langue seconde.

Le programme intensif d'anglais langue seconde au Québec s'avère être une grande réussite. Ce programme, d'une durée de cinq mois, intéressant les élèves des cinquième et sixième années, diffère d'un programme immersif en ce qu'aucune autre matière que l'anglais n'est étudiée pendant cette période. On étudie présentement la possibilité de modifier légèrement le programme, plus précisément le nombre d'heures consacrées à l'apprentissage de l'anglais. De nouvelles recherches ont révélé un fait qu'on soupçonnait déjà ; à savoir que les étudiants de programmes intensifs d'anglais surclassent la majorité des étudiants du programme-cadre d'anglais notamment sur le plan de la facilité d'élocution, même cinq ans après la fin du cours. Ce qui fait maintenant défaut, d'après les chercheurs, c'est une étude confirmant que la période de cinq mois consacrée à l'apprentissage exclusif de l'anglais n'est pas préjudiciable à la maîtrise d'autres matières. Le nombre d'établissements offrant des cours d'anglais intensifs s'est accru depuis l'an dernier (alors que 21 commissions scolaires en offraient), et il s'est formé un groupe d'intérêt (qui publie un bulletin intitulé *Info-Intensif*) pour appuyer ce programme.

Parallèlement, on a mis sur pied, à titre expérimental, un programme appelé ESL-LA (English as Second Language, Language Arts) destiné aux élèves du secondaire. Aujourd'hui implanté dans 18 commissions scolaires et visant 2 186 élèves, il constitue une initiation plus poussée que la normale à la lecture de nouvelles, de journaux et d'autres textes relativement longs.

Au Québec, l'étude du français langue seconde est obligatoire à l'élémentaire et au secondaire. Rehausser la qualité des programmes de français langue seconde destinés aux anglophones reste une priorité pour les parents, les enseignants et le ministère de l'Éducation. Un séminaire sur la question ayant pour thème : *Mastering French: Our Community's Commitment to Tomorrow* a été organisé par Alliance Québec en octobre dernier, au Collège Dawson de Montréal, afin de discuter des options qui se présentent aux chapitres de l'instruction et de l'augmentation du financement. Les principales inquiétudes soulevées à cette occasion avaient trait à la nécessité de consacrer plus de temps à cet apprentissage et plus d'argent pour les enseignants, et de réduire le nombre d'élèves par classe. Les participants (parmi lesquels le représentant du Commissaire au Québec) se sont entendus pour dire que les programmes immersifs n'étaient pas une panacée et que la communauté anglophone devait elle-même participer à l'amélioration des programmes de français langue seconde. En attendant, des parents de l'ouest de Montréal ont fait la queue toute une nuit pour inscrire leurs enfants aux programmes d'immersion. Un tiers des parents n'ayant pu s'assurer d'une place pour leurs enfants, la Commission des écoles protestantes du grand Montréal a dû prévoir plus d'espace pour les recevoir. Depuis, il a été décidé d'ouvrir une autre école d'immersion dans les environs.

Ontario

Le nombre d'inscriptions aux programmes d'immersion et aux programmes-cadres de français continue de s'accroître en Ontario.

Le ministère de l'Éducation a mis au point un document d'intérêt général qui propose divers matériels didactiques aux enseignants des programmes-cadres de français de la neuvième à la douzième année.

À la suite d'une recommandation du rapport d'évaluation des besoins en enseignement immersif du français intitulé *Where Are We Now?*, on a ébauché des éléments de programmes d'études ainsi que des projets de lignes directrices intéressant les cours de langue et de littérature françaises dans le cadre des programmes de français enrichis et immersifs. Un plan d'action en ces deux domaines est également en préparation. D'importantes questions d'orientation sont présentement à l'étude. On s'interroge notamment sur le moment le plus opportun pour introduire l'étude de l'anglais de même que sur les matières qui devraient figurer aux programmes du secondaire.

Plusieurs études sur l'immersion ont été entreprises cette année. En raison de certaines difficultés qu'ont connues les écoles du Conseil scolaire de Carleton — où 55 p. 100 des enfants inscrits en maternelle suivent des programmes immersifs — une recherche a été effectuée sur les effets de l'immersion sur le programme normal d'anglais. Entre autres choses, l'étude a porté sur les avantages de divers points d'entrée au programme d'immersion et a prôné une planification suivie pour préserver l'équilibre entre les différents objectifs de tous les programmes. D'autre part, une étude conduite à St-Catharines a recommandé que l'immersion commence à la cinquième plutôt qu'à la septième année ; des parents du comté de Brant ont clamé suffisamment fort leur appui à l'immersion pour persuader le conseil scolaire local de garder le programme d'immersion longue plutôt que d'introduire celui de durée moyenne.

La pénurie de professeurs de français langue seconde (ainsi que de professeurs de français langue maternelle) perdure. Laverne Smith, dans son rapport intitulé *Perspectives on Teacher Supply and Demand in Ontario, 1988-2008*, dont nous avons fait mention précédemment, fait la remarque suivante : « Il est manifeste que la demande la plus urgente et la plus critique en nouveaux enseignants vise actuellement les programmes de français ». Pour parer à cette situation, les facultés des sciences de l'éducation ont augmenté leurs quotas d'admission aux programmes de français langue seconde et ont créé des programmes hors campus, dont les différents cours sont offerts le soir et le samedi. Ainsi, l'Université York offre à Hanover, près de la péninsule de Bruce, des programmes de français langue seconde pour recycler les enseignants et accroître leurs compétences. Comme nous l'avons mentionné au début de ce chapitre, le nombre de professeurs de français langue seconde ayant besoin de lettres de dérogation augmente. On analyse présentement les différents besoins des professeurs non

qualifiés en vue de définir les meilleures façons de les aider à satisfaire aux exigences de leur poste. Le gouvernement estime que si la planification se poursuit à ce sujet, il n'aura pas à mettre sur pied des cours d'urgence à l'été.

Dans l'intervalle, le Conseil ontarien sur la formation du personnel enseignant a été créé. Formé de représentants du gouvernement, des universités, des professeurs, administrateurs et de commissaires d'école, ce conseil a pour mission de conseiller le ministre de l'Éducation. À l'ordre du jour : l'offre et la demande de professeurs, y compris les professeurs de français langue seconde.

Manitoba

Au moment où nous écrivons ces lignes, une nouvelle politique en matière de programmes immersifs attend l'imprimatur ministériel, et de nouveaux guides pédagogiques d'enseignement immersif sont en voie d'élaboration. Un représentant du ministère de l'Éducation a fait remarquer que la pénurie de professeurs allait en s'aggravant : « jamais auparavant, a-t-il déclaré, je n'ai vu d'écoles toujours en quête de personnel à une date si avancée de l'année ». Les divisions scolaires de Saint-Boniface et de Swan Valley recourent au télé-enseignement pour former des professeurs de français. Ce programme, inauguré il y a trois ans, rejoint une vingtaine d'enseignants au moyen de la téléconférence et de la vidéo. Un programme d'enseignement à distance des sciences de l'éducation, destiné aux étudiants en classes d'immersion, est également en préparation. Par ailleurs, l'antenne de la Canadian Parents for French au Manitoba a publié un dépliant intitulé *Beaucoup de plaisir en français*, qui décrit les différentes activités se déroulant en français dans leur province et auxquelles peuvent participer les étudiants au programme de français langue seconde.

Saskatchewan

Le ministère de l'Éducation est à réexaminer ses programmes d'études. Les exigences relatives à l'obtention d'un diplôme du secondaire ont changé, posant ainsi un problème aux élèves en immersion désireux par ailleurs de prendre des cours pré-universitaires de mathématiques et de sciences. Ces exigences combinées surpassent désormais le cursus normal ; aussi a-t-on réduit le nombre de cours requis en vertu d'une politique provisoire, en attendant de trouver une solution au problème.

L'antenne de la CPF en Saskatchewan, qui fut à l'origine des rencontres estudiantines « Rendez-vous », prépare actuellement un programme de voyages « Rendez-vous » grâce auquel des étudiants préparant un baccalauréat en éducation à l'Université de Regina pourront rendre visite à des élèves francophones des cinquième et sixième années. Le Saskatchewan Centre for the Performing Arts a également invité la CPF à participer à un atelier similaire en français.

Alberta

La première ébauche de la révision des programmes provinciaux d'enseignement de la langue seconde, dont nous avons parlé l'an dernier, vient d'être terminée. On y envisage un programme basé sur les compétences linguistiques des intéressés. Cinq facteurs entreraient en ligne de compte : amélioration progressive de la performance ; interrelation de la fonction ; contenu et précision ; rapport des critères linguistiques à l'exactitude des messages transmis et compris ; et approche communicative. Le ministère de l'Éducation envisage d'exiger un plus haut degré de compétence linguistique de ses professeurs de langue seconde, mais il procède lentement, car il ne veut pas que les exigences soient inutilement élevées. Les nouveaux règlements en matière d'éducation ont été promulgués. Ils définissent l'immersion et habilitent les conseils scolaires à amorcer des programmes immersifs ainsi qu'à déterminer quelle proportion de l'enseignement se fera en français dans les classes de première et deuxième année. À partir de la troisième année, on exige un minimum de cours en langue anglaise. Le ministère de l'Éducation a réalisé une brochure intitulée *What Every Parent Should Know* en vue d'expliciter les programmes de langue et de littérature françaises aux parents dont les enfants suivent un programme d'immersion.

Colombie-Britannique

À la suite du rapport établi l'an dernier par la Commission royale d'enquête sur l'éducation, la province est en train de réorganiser son système scolaire. Au lieu d'utiliser des écoles organisées selon des niveaux, on recourra à une approche intégrée reposant sur les progrès continus de l'élève, et ce à compter de septembre 1991. Un projet visant à rendre obligatoire l'enseignement du français entre la quatrième et la dixième année a été soumis aux écoles en vue de recueillir leurs commentaires ; la décision à cet égard sera prise au cours de 1990. La Colombie-Britannique, où les programmes de français sont très populaires, souffre depuis un certain temps d'une pénurie de professeurs. En décembre, à la suite d'un forum sur la question tenu au printemps, un groupe de travail formé de représentants des districts scolaires, des facultés des sciences de l'éducation et du ministère de l'Éducation a été mis sur pied pour résoudre ce problème. L'association Canadian Parents for French a tenu une conférence pour la jeunesse, au mois de mai, et a pris part au festival francophone intitulé « Fête colombienne des enfants », qui a eu lieu pendant une semaine à Crescent Beach. À cette occasion, quelque 15 000 enfants et adultes ont pu assister à des spectacles sur scène, goûter à la cuisine française et se consacrer à de multiples activités à caractère francophone. On se propose de répéter l'expérience l'an prochain.

Yukon

La demande de professeurs cause de plus en plus de problèmes. L'enseignement du français progresse à partir du haut vers le bas ; il est maintenant offert en première année dans une dizaine d'établissements.

Territoires du Nord-Ouest

La pénurie d'enseignants se fait moins sentir dans cette province principalement en raison du nombre relativement faible de professeurs requis. La version provisoire d'un nouveau programme-cadre de français a été distribuée aux écoles en octobre. La CPF y est, comme ailleurs, fort entreprenante et organise d'importantes activités parascolaires pour les élèves.

ANNEXES

Le Commissariat — préparer l'avenir : explication et transition

Après un survol des orientations de 1989, nous examinerons comment le Commissaire et le Commissariat ont interprété leur mandat élargi en fonction de la *Loi sur les langues officielles* de 1988. L'année 1989 fut une période de transition entre la proclamation de la nouvelle loi, en septembre 1988, et le dépôt attendu au début de 1990 de la réglementation destinée à mettre en œuvre certaines de ses dispositions.

On se souviendra que le Commissaire avait présenté dans son *Rapport annuel 1988* une soixantaine de recommandations constituant l'ébauche d'un plan directeur, en vue d'assurer une application diligente et efficace de cette loi. Ces recommandations devaient servir à maintenir une pression soutenue et équilibrée sur les organismes centraux et les institutions fédérales afin de favoriser un renouveau du programme fédéral des langues officielles. En effet, il n'eût été que trop facile pour beaucoup d'organismes de laisser voguer la galère sous prétexte que l'on n'avait pas encore en main les règlements devant accompagner la nouvelle loi. Il fallait également communiquer à tous les publics intéressés — ministères, plaignants, grand public, groupes minoritaires et majoritaires, jeunes — la portée de la nouvelle loi ; tout ceci sur fond de contestation, dans plusieurs régions du pays, contre le statut national ou provincial des langues officielles et l'Accord du lac Meech. En somme, en 1989, il fallait préparer l'avenir et surtout éviter que les acteurs de la scène fédérale ne se reposent sur leurs lauriers pendant que, faute d'information, les administrés continuent d'ignorer les nouveaux engagements du gouvernement à leur endroit.

Activités du Commissaire

C'est à des activités multiformes que s'employèrent le Commissaire et ses collègues : adaptation interne à la volonté du législateur et au flot croissant de plaintes, comparutions du Commissaire devant le Comité mixte permanent des langues officielles, nombreuses prises de position à Ottawa et au cours de déplacements en région, organisation des importantes célébrations marquant le 20e anniversaire de la *Loi sur les langues officielles* du Canada et la

commémoration de la *Loi sur les langues officielles* du Nouveau-Brunswick ; au second semestre, participation active aux consultations sur la future réglementation exigée par la Loi et diverses interventions sur le plan international.

Le Commissaire a comparu comme témoin principal à deux reprises devant le Comité mixte que les aléas des travaux parlementaires rendirent, pour la deuxième année, moins actif qu'à l'accoutumée. Il lui présenta au printemps son rapport annuel et à l'automne ses prévisions budgétaires assorties de deux études horizontales, l'une sur la langue de travail dans les bureaux fédéraux au Nouveau-Brunswick et l'autre sur les aspects linguistiques des grands événements nationaux et internationaux et divers rapports de vérification. Il participa aussi, généralement en personne, mais se faisant représenter à deux occasions, aux séances du Comité mixte à titre d'expert-conseil, aux comparutions des représentants de Statistique Canada, de la Fédération des francophones hors Québec, du ministère des Transports et du ministère de la Défense nationale. On trouvera une description de ces séances au chapitre 3 de la Partie I.

Le Commissaire a également comparu devant le Comité permanent des droits de la personne et de la condition des personnes handicapées afin d'ajouter sa voix à celles qui demandaient que le Programme de contestation judiciaire soit maintenu et, le cas échéant, élargi. Il a aussi comparu devant le Comité préparatoire à la réunion des membres fédéraux de l'Association internationale des parlementaires de langue française. Enfin, il a eu des contacts accrus avec des députés en quête d'explications sur la *Loi sur les langues officielles*.

Prises de position

C'est évidemment dans son rapport annuel que le Commissaire prend position sur un grand nombre de questions. Il prend également position sur plusieurs autres sujets d'actualité en cours d'année. Il a entrepris des démarches auprès du Premier ministre du Canada, des chefs des organismes centraux et fait des exposés devant les hauts fonctionnaires d'Ottawa et des régions en faveur de la mise en œuvre de la *Loi sur les langues officielles* de 1988, ainsi que du plan directeur mentionné plus haut. Dans un éditorial de *Langue et Société*, il a réaffirmé sa position favorable aux dispositions linguistiques de l'Accord du lac Meech. Il a également donné son interprétation de la détérioration du climat linguistique comme étant, du moins en partie, le reflet des progrès accomplis par l'adoption de la *Loi sur les langues officielles* de 1988 et par des efforts similaires dans certaines provinces. Le Commissaire a réitéré son appui aux minorités, particulièrement à l'occasion de l'entrée en vigueur de la *Loi sur les services en français* en Ontario et du 20e anniversaire de la *Loi sur les langues officielles* au Nouveau-Brunswick, ainsi qu'au cours de ses voyages au Nouveau-Brunswick, en Alberta et en Colombie-Britannique. Il a participé aux congrès annuels d'Alliance Québec (dont il a vigoureusement dénoncé l'incendie criminel survenu en décembre 1988) et du Conseil national des parents francophones. Au

cours de l'été et de l'automne, il a participé à de nombreuses consultations sur les projets de réglementation du Conseil du Trésor relatives à la « demande importante » et à la « vocation du bureau ».

Dans les capitales provinciales, le Commissaire a eu des entretiens avec des fonctionnaires fédéraux, de nombreux premiers ministres et hauts fonctionnaires, plusieurs associations provinciales minoritaires, des représentants des milieux de l'éducation et des médias. Il s'est également rendu dans quelques villes de province, soit pour un anniversaire particulier, comme à Sudbury (où il a eu droit à une alerte à la bombe), soit pour prendre contact avec la population majoritaire, comme à Kitchener-Waterloo, à Windsor ou à Québec.

Voyages et messages

Au cours de ses voyages dans les régions, le Commissaire a porté son message tantôt aux minorités, tantôt aux majorités de langue officielle. Ainsi, à Québec, il a présenté la nouvelle loi et expliqué le rôle du commissaire. Au bureau régional de l'Association canadienne-française de l'Ontario à Windsor en Ontario, il a offert un message d'espérance. À Edmonton, son représentant régional a pris la parole en son nom lors d'un colloque sur l'avenir des droits linguistiques. Devant le Club Rotary de Minto au Nouveau-Brunswick, il a défendu la reconnaissance de la dualité linguistique et ses conséquences. À la Faculté Saint-Jean de l'Université de l'Alberta à Edmonton, à l'occasion de la Série de conférences 1989-1990, le Commissaire s'est entretenu des suites réservées à la *Loi sur les langues officielles* et des résultats que l'on est en droit d'en attendre. Toujours à Edmonton, au déjeuner du Rond-Point, réunissant les principaux dirigeants des organisations minoritaires de la province, il a traité des notions de « demande importante » et d'« offre active » à la lumière de la *Loi sur les langues officielles* de 1988. Dans un discours au Confederation Club de Kitchener-Waterloo, le Commissaire a déclaré que certaines tensions d'origine linguistique proviennent certes de la loi québécoise 178 interdisant l'affichage commercial extérieur en d'autres langues que le français, mais encore plus d'un manque d'information et de sens des perspectives en ce qui a trait au statut respectif des Québécois de langue anglaise et de celui des minorités francophones dans la plupart des autres provinces. La politique fédérale des langues officielles représente quant à elle, malgré diverses faiblesses, un grand succès pour les deux communautés linguistiques. Enfin, s'adressant aux diplômés de l'Université Laval à Québec, il a démontré comment la loi fédérale sur les langues officielles avait favorisé l'usage du français partout au Canada et bien sûr d'abord à Ottawa et au Québec.

En 1989, le Commissaire a donné bon nombre de conférences de presse et accordé 52 interviews à la presse et aux médias électroniques. Il a participé à un colloque sur les tendances démolinguistiques et l'évolution des institutions canadiennes tenu à Hull, au séminaire marquant le 25e anniversaire du programme fédéral de formation linguistique à Ottawa, ainsi qu'au colloque organisé en

décembre à Kingston par les universités Queen's et de Moncton sur le thème de la réconciliation nationale.

Activités diverses

Le 20e anniversaire de la première *Loi sur les langues officielles* devait donner l'occasion au Commissaire de convier le Parlement à une célébration. Le Premier ministre du Canada, le représentant du Parti libéral, M. Jean-Robert Gauthier, et celui du NPD, Svend Robinson, ainsi que l'hôte en profitèrent pour réaffirmer en particulier leur ferme engagement en faveur de la dualité linguistique canadienne, des minorités de langue officielle et de la diffusion de nos langues dans la société canadienne.

L'année fut aussi particulièrement active sur le plan international. À l'été, le Commissaire répondit à l'invitation de l'Institut royal des relations internationales de Belgique et à celle du ministère de la Justice de Hongrie à se rendre dans ces pays. Il rencontra également des délégations parlementaires et des personnalités étrangères en visite à Ottawa, et accorda une importante interview à la revue londonienne *Language International*. Le Commissaire profita enfin du Congrès annuel des ombudsmen canadiens tenu à Québec pour soumettre une proposition destinée à favoriser la coopération entre les ombudsmen canadiens, l'Institut international de l'Ombudsman à Edmonton et certaines régions du monde afin d'y promouvoir la protection des droits du citoyen. Cette proposition fut acceptée.

Structure du Commissariat

Les activités du Commissaire nécessitèrent l'entière participation de toutes les directions du Commissariat. La **direction des Politiques**, par exemple, a mené de nombreuses recherches afin de fournir des avis juridiques et autres touchant la nouvelle loi et les règlements en voie de préparation, ainsi que divers aspects des politiques sur les langues officielles.

Cette direction fournit au Commissaire des renseignements en vue de certaines réunions du Comité mixte permanent des langues officielles et prépare des notes pour ses discours et ceux du Sous-commissaire. Elle participe activement à la préparation de la majeure partie du rapport annuel. Son secrétariat répond aux demandes de renseignements et d'explications. De plus, elle est en liaison constante avec les administrations des associations minoritaires et joue un rôle de premier plan en ce qui a trait à la participation du Commissariat dans le domaine des programmes et des recherches relatifs à l'instruction en langue minoritaire et en langue seconde.

Elle suit également de près les travaux du Comité sur la science et la langue, mis sur pied par le Conseil du Trésor en vue d'étudier l'utilisation du français, ainsi que la participation des francophones dans le cadre des activités scientifiques et technologiques du gouvernement. La Direction suit également avec un intérêt

soutenu tout ce qui touche au multiculturalisme. Bon nombre d'articles ont d'ailleurs paru dans la revue *Langue et Société* à ce sujet. Les développements survenus à la suite de l'adoption de la *Loi sur le multiculturalisme* y furent traités. Une étude des attitudes des résidents de la région de la capitale nationale vis-à-vis des langues officielles a également été entreprise.

Au mois de février, le Commissariat a co-parrainé avec le Secrétariat d'État un colloque sur les tendances démolinguistiques et l'évolution des institutions canadiennes. Avec les représentants du Secrétariat d'État, la Direction a travaillé à l'organisation du colloque ainsi qu'à la publication des actes.

Le Commissariat a également co-parrainé avec le Secrétariat d'État un certain nombre de projets de recherche en démolinguistique fondés sur les données du recensement de 1986. Pour ces études, nous bénéficions de l'expertise de Statistique Canada, et nous souhaitons qu'elles permettent d'améliorer les services offerts aux minorités et qu'elles fournissent des données utiles à tous ceux qui travaillent avec elles.

C'est à la direction des Politiques et à celle des Plaintes et Vérifications que revenait la tâche d'observer avec attention l'accueil réservé au plan directeur du *Rapport annuel 1988* par les institutions concernées.

La **direction des Plaintes et Vérifications** a continué en 1989 de modifier sa structure et ses méthodes de travail en fonction des exigences de la nouvelle loi, qui a élargi la portée de son action et de son mandat en tant que protecteur des droits linguistiques des Canadiens. Afin de mieux s'acquitter de ses responsabilités et d'améliorer le service offert aux plaignants, la Direction a décentralisé davantage le traitement de nombreuses plaintes en région, afin de permettre une intervention plus rapide au profit des plaignants. De plus, afin d'accroître l'efficacité du processus de traitement des plaintes, la Direction a instauré l'envoi de préavis aux administrateurs généraux des institutions fédérales selon les dispositions de l'article 59 de la Loi. Au cours de l'année, le nombre de plaintes reçues s'est accru de 25 p. 100, passant de 2 189 en 1988 à 2 743 en 1989.

Les dispositions relatives au recours judiciaire, inscrites à la Partie X de la Loi, ont nécessité la modification du traitement des plaintes, en vue d'accroître considérablement le nombre d'enquêtes sur place portant sur les dispositions de l'article 91 de la Loi, les exigences linguistiques des postes devant être établies « objectivement », la justice, le service au public, la langue de travail et la participation.

En plus de l'exigence que les plaintes individuelles doivent maintenant être réglées dans un délai maximum de six mois, de nombreuses plaintes touchant des infractions répétées ont été regroupées en cours d'année afin de trouver une solution aux causes de ces infractions qui sont souvent de nature systémique

(politiques, procédures ou stratégies de mise en œuvre). C'est ainsi que des études assorties de recommandations furent terminées en 1989. Les recommandations portaient sur l'offre active de service à l'échelle du pays, la formation linguistique, les événements nationaux et internationaux et la langue de travail au Nouveau-Brunswick. Il en est fait état dans le présent rapport.

À titre de « médecine préventive », la Direction a conduit 25 vérifications et suivis touchant 21 institutions qui ont tous donné lieu à des recommandations visant l'application de mesures correctives nécessaires au respect des droits des citoyens. Douze études ont été déposées devant le Comité mixte, et ainsi rendues publiques. Il s'agit là d'une nouvelle pratique, établie pour faciliter l'accès à l'information, qui fut très bien reçue par les intéressés. Dans le même esprit, deux réunions de concertation ont eu lieu cette année encore avec des directeurs des langues officielles et des responsables d'une trentaine d'organismes, relativement aux droits du public et aux droits et obligations des employés de l'État.

Un nouveau directeur a été nommé à la **direction des Opérations régionales** en la personne de Pierre de Blois, anciennement directeur de la Gestion des ressources.

La direction des Opérations régionales compte maintenant, en plus d'une petite cellule centrale, cinq bureaux régionaux situés à Moncton, Montréal, Toronto, Saint-Boniface et Edmonton. Ces bureaux ont pour objet de participer en région aux activités du Commissariat se rapportant aux plaintes, aux vérifications, aux communications et à la liaison avec les associations minoritaires et certains groupes majoritaires afin de promouvoir l'esprit et la lettre de la Loi. Les bureaux régionaux ont reçu 1 897 plaintes en douze mois, ce qui représente 69 p. 100 des plaintes reçues. De ce nombre, 738 (ou 39 p. 100) furent instruites en région. Les représentants des bureaux régionaux, qui doivent desservir des territoires très étendus, reçoivent l'aide de quelques agents de liaison à temps partiel situés dans d'autres centres.

Pendant l'année, la Direction a revu son mandat afin de décentraliser l'instruction des plaintes et les vérifications entreprises dans leur région respective. Les bureaux régionaux ont consolidé leurs relations autant avec les communautés minoritaires que majoritaires, se sont efforcés de faciliter les liens entre les communautés minoritaires et les bureaux fédéraux et ont participé à l'action d'information.

M^me^ Marilyn Amendola, anciennement du ministère de l'Industrie, des Sciences et de la Technologie, a été désignée directrice de la **direction des Communications**.

Tout au cours de l'année, cette direction a travaillé à l'élaboration d'instruments destinés à fournir au public des renseignements sur la *Loi sur les langues officielles* et le rôle du commissaire. Elle a mené à ce sujet une importante campagne de publicité dans la presse minoritaire des deux langues officielles.

En 1989, le tirage de *Langue et Société*, la revue trimestrielle du Commissariat, a atteint 16 500 exemplaires. Cette publication a connu une distribution initiale de 12 300 exemplaires aux 9 000 abonnés. Le reste fut distribué sur demande. Le numéro d'été consacrait un dossier spécial sur le quart de siècle de la Commission B.B. et sur le 20e anniversaire de la *Loi sur les langues officielles*. Le numéro d'hiver contenait un dossier spécial sur le Nouveau-Brunswick, rappelant le chemin parcouru depuis la proclamation de sa *Loi sur les langues officielles* et la place particulière qu'occupe cette province dans le paysage linguistique du Canada. Ce dossier a suscité un intérêt considérable, surtout au Nouveau-Brunswick où notre bureau de Moncton a procédé à son lancement, et où trois importants quotidiens, *L'Acadie Nouvelle*, *The Telegraph-Journal* et *The Evening Times-Globe* l'ont reproduit.

Sur le plan de l'audiovisuel, une nouvelle bande vidéo, intitulée *Deux langues, un pays* a expliqué à de vastes publics l'histoire, la réalité et la richesse de nos langues officielles. De plus, on a réalisé une autre vidéocassette des célébrations du mois de juin sur la Colline parlementaire afin de transmettre à des auditoires nationaux les engagements renouvelés du gouvernement, du Parlement et du Commissaire à l'endroit de la dualité linguistique. Le Programme jeunesse de la Direction a réalisé *Le mur magique*, une bande vidéo destinée aux enfants de cinq à sept ans et élabore présentement, en collaboration avec son Comité consultatif formé de représentants des ministères de l'Éducation à travers le pays, ainsi que du Conseil des ministres de l'Éducation (Canada), un projet visant les jeunes de huit à onze ans. Enfin, l'*Agenda 89-90*, également préparé par le Programme jeunesse, a été grandement apprécié par quelque 200 000 étudiants.

Au cours de 1989, le Commissariat a reçu 143 demandes des médias et émis neuf communiqués de presse. Neuf des plus importants discours prononcés par le Commissaire furent distribués au public. Il a également correspondu activement avec plusieurs journaux par le biais de lettres ouvertes destinées à rétablir les faits se rapportant aux objectifs, aux modalités et aux coûts du bilinguisme fédéral.

Mme Catherine Bastedo-Boileau, auparavant de la direction des Plaintes et Vérifications, a été nommée directrice de la **Gestion des ressources**. Cette direction assure les services en matière d'administration du personnel, des services financiers, des archives et des services administratifs : télécommunication, courrier, gestion du matériel, gestion des aires de bureau et achats.

Au cours des ans, la Direction a dû relever un défi de taille : atteindre une participation plus équilibrée entre francophones et anglophones au Commissariat. Le sujet a d'ailleurs été discuté par le Comité mixte. Toutefois, depuis 1985, la participation des anglophones est passée de 25 p. 100 à 34 p. 100, ce qui reste nettement insuffisant. Le facteur principal de ce déséquilibre, qui existe depuis les débuts du Commissariat, est le peu de candidats de langue anglaise satisfaisant

aux exigences linguistiques (plus de 85 p. 100 des plaintes reçues par le Commissariat proviennent de francophones). En 1989, le Commissariat a obtenu un certain succès puisqu'à la haute gestion le taux de participation anglophone a atteint 50 p. 100. Cependant, comme on l'a signalé au Comité mixte, le changement demeure lent en dépit d'efforts déterminés.

Les femmes sont très bien représentées parmi le personnel ; elle forment 57 p. 100 des employés et un tiers de la catégorie Gestion. Le Commissariat a un taux de représentation adéquat de membres des minorités visibles (3 p. 100) et s'efforce d'augmenter celui des employés handicapés et des autochtones.

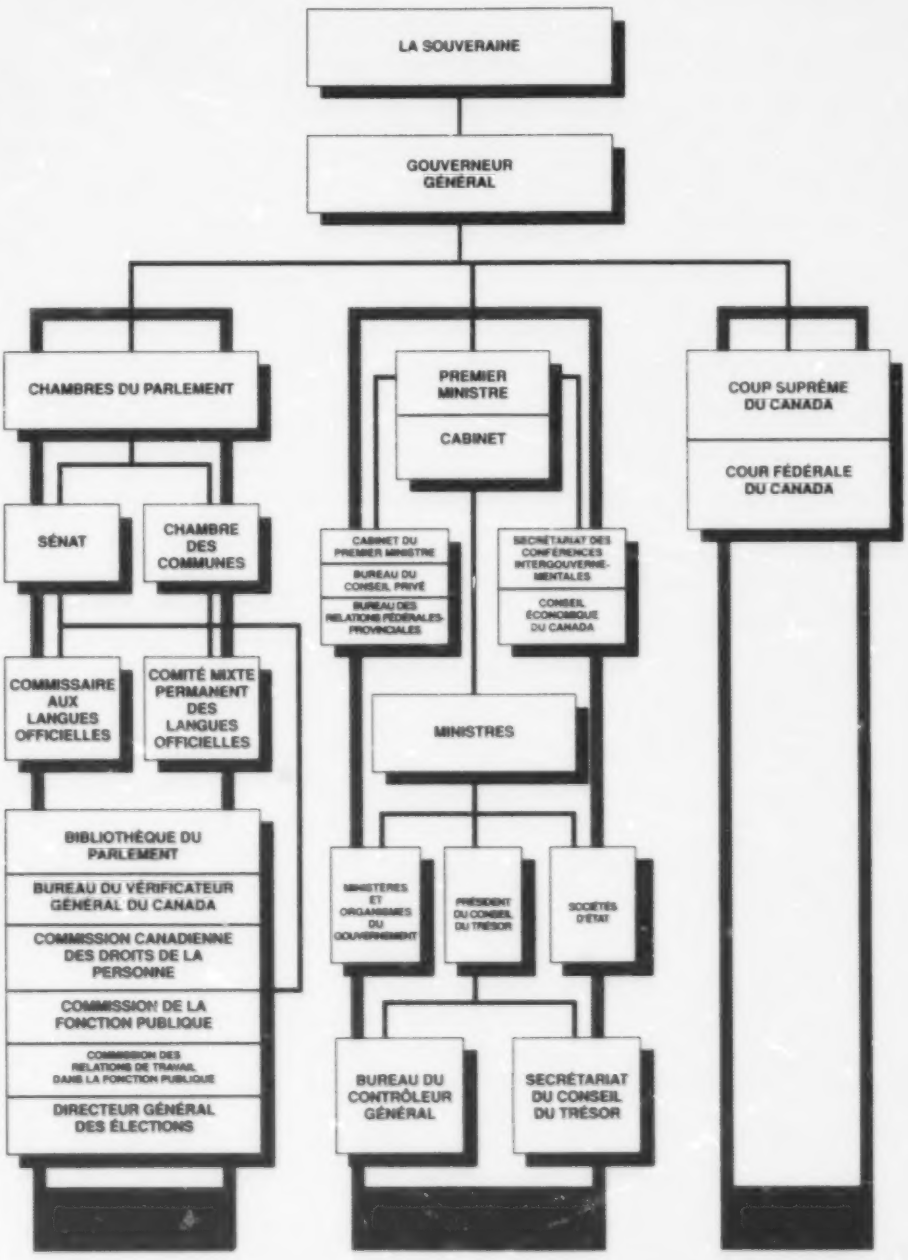
Commissariat aux langues officielles : années-personnes et budget 1989-1990

Direction	Années-personnes	Budget (en milliers de dollars)
Politique	15	1 171
Plaintes et Vérifications	59	3 569
Opérations régionales	32	2 200
Communications	22	2 991
Gestion des ressources*	40	2 338
TOTAL	**168**	**12 269**

* Comprenant le personnel du Cabinet du Commissaire et du Sous-commissaire.

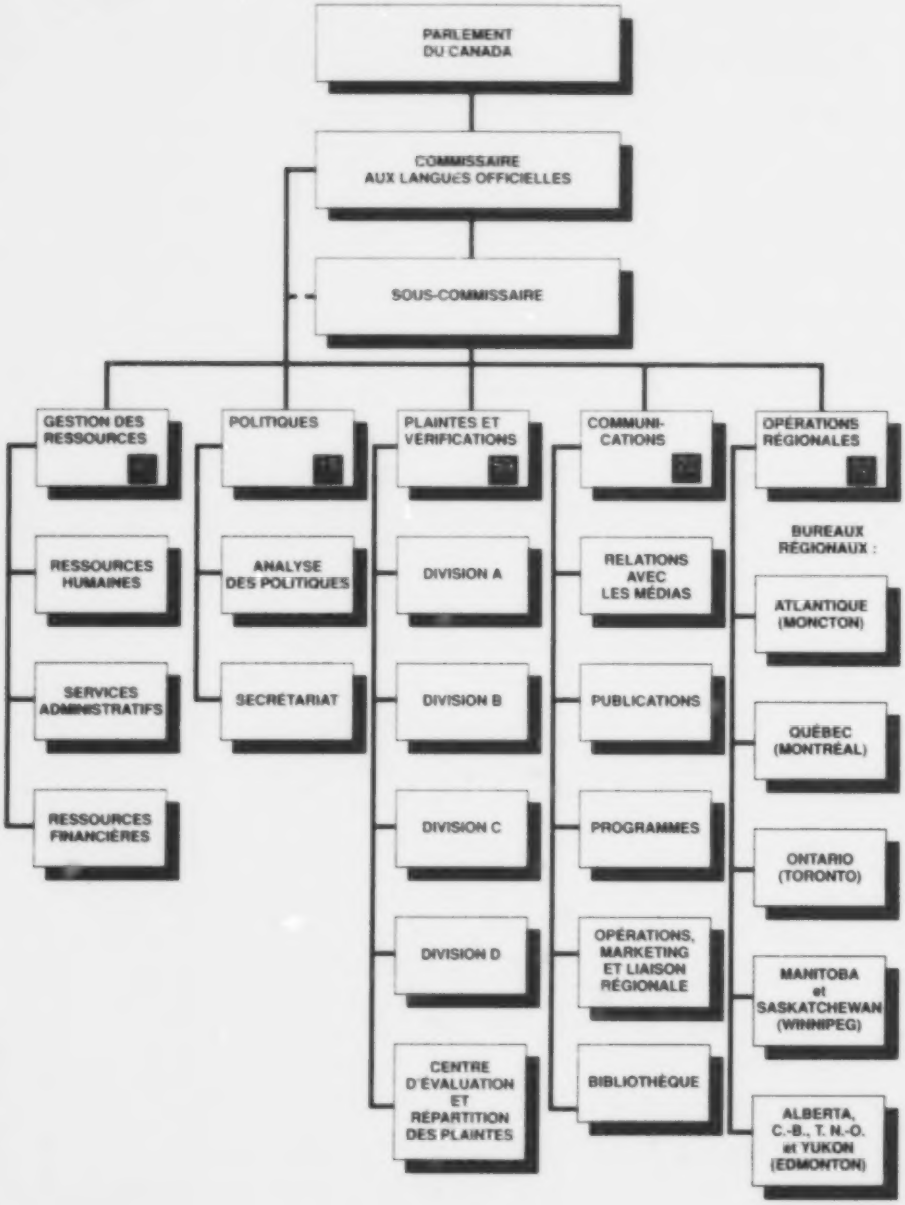
GOUVERNEMENT DU CANADA
Organigramme abrégé

1



COMMISSARIAT AUX LANGUES OFFICIELLES 2

Organigramme



■ effectif

LES PLAINTES

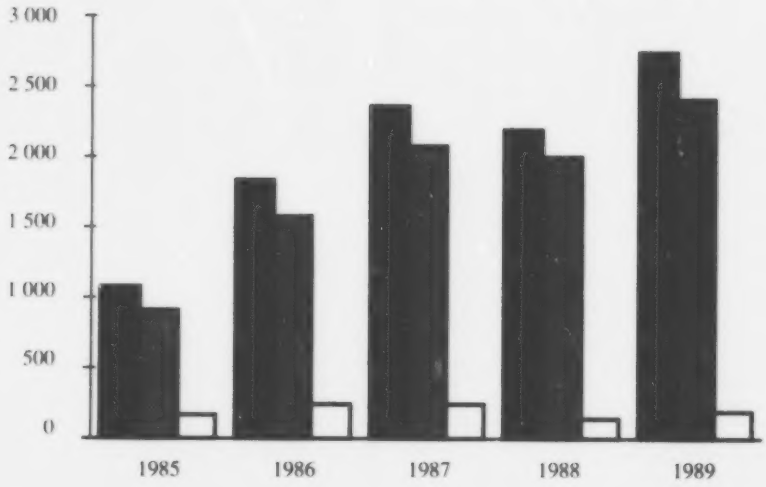
A.1

Répartition numérique des plaintes et des demandes d'information, compétence (fédérale ou non) et nature des plaintes selon la langue visée et la province/territoire, 1989

	1984-1988	1989											
	Moyenne numérique des plaintes reçues						Nature des plaintes selon la langue visée						
					Compétence		Français			Anglais			
		Plaintes	Demandes d'information	Total			Service au public	Langue de travail	Autre	Service au public	Langue de travail	Autre
	Nombre	Nombre	Nombre	Nombre	Fédérale	Non fédérale						
Terre-Neuve	52	154	12	166	150	4	151	0	1	1	0	1
Île-du-Prince-Édouard	60	66	7	73	63	3	63	1	0	1	0	1
Nouvelle-Écosse	277	266	34	300	261	5	249	1	6	5	0	5
Nouveau-Brunswick	159	302	71	373	261	41	252	26	5	12	0	7
Québec[a]	188	306	78	384	267	39	122	18	16	141	3	6
RCN – Québec	26	57	14	71	46	11	16	7	6	26	0	2
RCN – Ontario	429	558	241	799	522	36	322	98	39	79	5	15
Ontario[b]	230	371	66	437	352	19	304	17	14	31	2	3
Manitoba	130	250	17	267	237	13	237	2	4	6	0	1
Saskatchewan	53	55	6	61	51	4	51	3	1	0	0	0
Alberta	109	142	82	224	137	5	133	2	3	3	0	1
Colombie-Britannique	54	181	64	245	174	7	167	4	0	10	0	0
Territoires du Nord-Ouest	2	3	1	4	3	0	3	0	0	0	0	0
Yukon	6	8	0	8	8	0	8	0	0	0	0	0
Étranger	13	24	12	36	22	2	22	0	0	2	0	0
TOTAL	1 788	2 743	705	3 448	2 554	189	2 100	179	95	317	10	42

[a] Exclut le côté québécois de la région de la capitale nationale.
[b] Exclut le côté ontarien de la région de la capitale nationale.

A.2 LES PLAINTES AU COURS DES ANS



Légende : Plaintes (Total)
Service au public
Langue de travail

	TOTAL	Service au public	Langue de travail	Autre
1985	1 080	913	167	0
1986	1 840 *	1 583	242	15
1987	2 360 *	2 080	248	32
1988	2 189	1 997	144	48
1989	2 743	2 417	189	137

* Aux fins de ce tableau, les plaintes relatives à la langue de travail concernant le SCRS (1 784 en 1986 et 456 en 1987) ont été regroupées et comptées comme une seule plainte.

A.3 LES PLAINTES

Répartition numérique des plaintes fondées, selon les institutions, 1988 et 1989

Institutions*	1988	1989
Affaires extérieures	26	34
Air Canada	191	245
Approvisionnements et Services	29	54
Banque fédérale de développement	26	21
Chemins de fer nationaux	19	15
Commission de la capitale nationale	5	15
Commission de la fonction publique	21	38
Conseil de la radiodiffusion et des télécommunications canadiennes	3	19
Conseil du Trésor	17	16
Consommation et Corporations	6	55
Construction de Défense	0	17
Défense nationale	74	100
Emploi et Immigration	114	141
Énergie, Mines et Ressources	18	16
Environnement	57	54
Gendarmerie royale du Canada	32	48
Pétro-Canada	24	24
Revenu national (Douanes et Accise)	22	39
Revenu national (Impôt)	36	63
Santé et Bien-être social	51	53
Service correctionnel	17	32
Société Radio-Canada	19	50
Société canadienne d'hypothèques et de logement	10	32
Société canadienne des postes	227	359
Transports	100	333
Travaux publics	29	51
Via Rail	38	27

* Seules les institutions qui ont fait l'objet de 15 plaintes ou plus en 1989 sont énumérées ci-dessus.

A.4

LES VÉRIFICATIONS LINGUISTIQUES, SUIVIS ET ÉTUDES SPÉCIALES

Vérifications linguistiques, suivis et études spéciales effectués dans les ministères et organismes fédéraux 1987, 1988 et 1989

1987

Vérifications
Affaires indiennes et du Nord canadien
Approvisionnements et Services (Approvisionnements)
Banque du Canada
Centre de recherches pour le développement international
Commission de l'emploi et de l'immigration (Services spécialisés dans l'Ouest)
Conseil de recherches médicales du Canada
Défense nationale (Installations à Ottawa)
Défense nationale (Formation linguistique)
Revenu national (Douanes et Accise, laboratoires)
Service correctionnel Canada (Atlantique)
Société du Crédit agricole

Suivis
Chambre des communes
Conseil des Sciences du Canada
Corporation commerciale canadienne
Défense nationale (Coordonnateurs)
Expansion industrielle régionale (Tourisme)
Justice
Société Harbourfront
Travail

Études spéciales
Défense nationale (Langue de travail et profils linguistiques)
Île-du-Prince-Édouard (Service au public)
Nouveau-Brunswick (Langue de travail)

1988

Vérifications
Affaires indiennes et du Nord canadien (Programme du Nord)
Air Canada (Atlantique)
Conseil canadien des relations de travail
Gendarmerie royale du Canada (Quartier général)
Revenu national (Impôt, 1re étape)
Santé nationale et Bien-être social
Secrétariat d'État (Cour de la citoyenneté)
Service correctionnel Canada (Québec)
Solliciteur général du Canada
Statistique Canada
Transports Canada(Garde côtière – Atlantique)

Suivis
Affaires extérieures (Administration centrale)
Commission de la capitale nationale
Environnement
Marine Atlantique
Société canadienne des postes (Participation et langue de travail – Ottawa)

Études spéciales
Événements nationaux et internationaux
Défense nationale (Francotrain)
Environnement (Parcs de l'Ouest)
Accueil téléphonique (Service au public)

1989

Vérifications
Affaires indiennes et du Nord canadien (Inuit et administration centrale)
Air Canada
Approvisionnements et Services (Approvisionnements)
Commissariat aux langues officielles
Conseil canadien des relations du travail
Emploi et Immigration Canada (Région de l'Ouest)
Gendarmerie royale du Canada (Quartier général)
Santé nationale et Bien-être social
Service correctionnel Canada (Région du Québec – Cowansville, Donnacona, Archambault)
Société du crédit agricole
Transports Canada (Garde côtière canadienne – Maritimes)

Suivis
Affaires extérieures
Conseil de recherches médicales
Environnement – Services de l'environnement
Marine Atlantique (Service au public)
Service correctionnel Canada (Drummond)
Société canadienne des postes (Langue de travail – recommandations de 1984)

Études spéciales
La langue d'instruction dans les Forces canadiennes
Langue de travail au Nouveau-Brunswick
Le programme de formation linguistique à la Commission de la fonction publique – phase I
Les événements nationaux et internationaux

LES QUESTIONS LINGUISTIQUES VOUS INTÉRESSENT ?

A.5 Imprimés, matériel audio-visuel et trousses produits par le Commissariat aux langues officielles

IMPRIMÉS POUR LES ADULTES

Rapport annuel (R)
Une publication bilingue présentée tous les printemps au Parlement. Fournit aux parlementaires et au grand public les données qui leur permettront de juger des progrès de la réforme du régime linguistique au Canada.

Tirés à part du Rapport annuel 1989

Les minorités
Perspective d'ensemble : quelques percées dans un climat trouble (14W)
La situation des minorités de langue officielle dans chacune des provinces : les politiques et les éléments marquants de l'année.

L'enseignement de la langue seconde
Vue d'ensemble : les paradoxes de la croissance (15W)
Une vue d'ensemble de la politique et survol régional des progrès en matière de l'enseignement de la langue seconde.

Le Commissariat
Préparer l'avenir : explication et transition (16W)
Une vue d'ensemble des diverses composantes du Commissariat avec un résumé des activités de 1989 et certaines annexes portant sur divers aspects des langues officielles.

Langue et Société (L)
Une publication trimestrielle bilingue destinée à ceux qui s'intéressent aux questions linguistiques. Elle s'adresse principalement aux leaders d'opinion, aux responsables politiques et administratifs, aux chefs des communautés linguistiques, aux éducateurs et aux chefs de file du secteur privé et des associations bénévoles. La revue entend refléter le vécu linguistique des Canadiens et les informer sur ce qui se passe à cet égard dans les principaux secteurs d'activité.

Index pour Langue et Société (OL)
Un index bilingue des titres des articles de tous les numéros de *Langue et Société* publiés jusqu'à présent.

Tirés à part de Langue et Société

La langue de travail au fédéral (25W)
Un dossier réaliste et rigoureux préparé à partir d'une enquête menée au Nouveau-Brunswick.

25 000 plaintes ! (26W)
La plainte protège vos droits linguistiques. Le Commissaire aux langues officielles et ses responsabilités d'ombudsman.

25 ans après la Commission B. B. (27W)
Un dossier consacré à l'évolution du bilinguisme au Canada depuis la publication du fameux éditorial d'André Laurendeau.

Discours (1D)
Une collection de 12 allocutions du Commissaire sur un nombre très varié de questions susceptibles d'intéresser ceux qui se préoccupent de la situation linguistique au Canada.

La Loi sur les langues officielles de 1988 (9C)
Un livret contenant le texte intégral de la Loi, en français et en anglais.

Résumé de la Loi sur les langues officielles de 1988 (13W)
Un résumé bilingue des principaux éléments de la Loi.

La nouvelle Loi sur les langues officielles (3Q)
Une brochure bilingue qui explique la *Loi sur les langues officielles* de 1988.

La nouvelle Loi sur les langues officielles et les collectivités minoritaires (2Q)
Une brochure bilingue qui explique la *Loi sur les langues officielles* de 1988. Décrit également comment le Commissaire, en tant qu'ombudsman linguistique, protège les droits linguistiques des collectivités minoritaires.

Nouveaux produits!

L'historique du Commissariat aux langues officielles (6Q)
Un document, pour ceux qui s'intéressent au rôle et à l'évolution de cet organisme, riche en information sur le Commissariat, de ses débuts à 1989. Il renferme les faits historiques qui ont entouré l'évolution des langues officielles au Canada ainsi que les objectifs et les réalisations des trois Commissaires. (Offert au printemps 1990.)

Nos deux langues officielles au fil des ans (13Q)
Un document de référence qui relate les événements qui ont mené au statut spécial du français et de l'anglais au Canada. Cette étude chronologique comprend également les principales décisions rendues par les tribunaux en matière de langues officielles. (Offert au printemps 1990.)

Recours judiciaire : vers la justice linguistique (12Q)
Une brochure bilingue qui explique les différentes étapes à suivre dans le cas où un plaignant désire porter sa cause devant la Cour fédérale, conformément à la partie X de la *Loi sur les langues officielles* de 1988.

MATÉRIEL POUR LES JEUNES

Vous aviez la parole (2V)
Un recueil des meilleures œuvres rédigées par des jeunes de 15 à 24 ans dans le cadre du concours d'œuvres de fiction lancé par le Commissaire pour marquer l'Année internationale de la jeunesse. Les œuvres françaises sont présentées d'un côté et les œuvres anglaises de l'autre.

Soyez à l'écoute (1V)
Une trousse qui offre la possibilité unique de connaître les idées et les sentiments des jeunes Canadiens sur l'art de vivre dans un pays bilingue. Elle contient la publication intitulée *Vous aviez la parole*, la bande vidéo *Fiction accomplie* et un guide d'utilisation. Réservée aux enseignants et aux organismes.

Explorations (1K)
Un jeu bilingue destiné aux jeunes de 12 ans et plus. C'est un tour du monde qui les sensibilise au statut international du français et de l'anglais dans un univers linguistique extrêmement varié. Conçu pour quatre joueurs ou moins.

Agenda
Un calendrier-journal bilingue pour les élèves de onzième année, qui regorge d'anecdotes et de faits sur le Canada et ses deux langues officielles. Distribué par l'entremise des écoles.

AFFICHES

Nos amis à plumes (10K)
Une affiche qui donne les noms français et anglais d'un bon nombre d'oiseaux qui égaient l'Amérique du Nord. Format : 45 sur 55 cm.

Les hiboux hululent (9J)
Le langage animal est prétexte à une leçon de français et d'anglais. Affiche bilingue de 45 sur 60 cm.

Le français et l'anglais... dans près de la moitié des pays du monde (9K)
Une affiche bilingue qui donne, sur un fond de ballons aux couleurs vives, les drapeaux des pays où nos deux langues officielles sont communément utilisées. Une légende au verso identifie ces pays. Format : 50 sur 70 cm.

La bernache du Canada (9T)
Les services du gouvernement fédéral sont offerts dans les deux langues officielles. Voilà le message transmis aux jeunes de neuf ans et moins par les six illustrations aux couleurs vives de cette affiche dont la vedette est une bernache du Canada. Format : 90 sur 60 cm.

Deux langues officielles/Deux voix en harmonie (11Q)
Des oiseaux multicolores unissent leurs voix pour chanter « Qu'on se le dise ! », sur cette affiche attrayante aux couleurs vives. Format : 66 sur 51 cm.

MATÉRIEL AUDIO-VISUEL
(Ce matériel est prêté et expédié séparément.)

Le mur magique
Les enfants de cinq à sept ans pourront suivre les aventures de Julie et de Daniel, les deux héros à l'allure d'oiseau de ce film d'animation, qui sont propulsés dans un monde fantastique. Ils découvriront qu'il est possible de s'entendre et de faire des choses ensemble bien qu'on ne parle pas la même langue. Destinée aux enseignants et aux animateurs de groupe, cette bande est accompagnée d'un guide d'utilisation et d'une affiche. Sur vidéocassettes de ½ po et ¾ de po, couleur ; 10 minutes.

Deux langues, un pays
Une carte géographique animée relate avec humour la place importante qu'occupent le français et l'anglais dans l'évolution de notre pays. Elle relate les faits historiques qui ont mené à l'adoption des lois contemporaines, y compris la *Loi sur les langues officielles* de 1988. Cette bande vidéo est accompagnée d'un guide d'utilisation et de matériel d'appoint. Elle est particulièrement utile en salle de classe, au cours d'ateliers, de colloques, de séances de formation et d'information. Sur vidéocassettes de ½ po et ¾ de po, couleur ; 20 minutes.

Le bilinguisme vingt ans après
Des entrevues avec divers chefs de file offrent des points de repère à ceux qui s'intéressent au cheminement des langues officielles au Canada. Reportage réalisé en 1984 à l'occasion du 20e anniversaire de la Commission royale d'enquête sur le bilinguisme et le biculturalisme. Sur vidéocassettes de ½ po et ¾ de po, couleur ; 30 minutes.

Il était deux fois... Twice Upon a Time
Le bilinguisme canadien vu avec le sourire. Vise surtout à susciter la discussion. Court métrage bilingue en 16 mm ou en vidéocassettes de ½ po et ¾ de po, couleur ; 10 minutes. Distribué à peu de frais par l'Office national du film.

Nouvelle bande vidéo!

Les langues officielles ont vingt ans
De style journalistique, cette bande vidéo présente les moments marquants de deux anniversaires historiques célébrés à la Colline parlementaire en juin 1989 : les vingt ans de la première *Loi sur les langues officielles* et le quart de siècle de la Commission royale d'enquête sur le bilinguisme et le biculturalisme. Sur vidéocassettes de ½ po et ¾ de po, couleur ; sept minutes.

Sauf avis contraire, nos imprimés et notre matériel audio-visuel sont distribués à titre gracieux sur demande et ne font pas l'objet d'une large diffusion en dehors du Canada. Par ailleurs, le Commissariat se réserve le droit de limiter le nombre d'exemplaires expédié.

Pour obtenir le matériel décrit ci-dessus, il suffit d'écrire à la Direction des communications, Commissariat aux langues officielles, Ottawa, Canada, K1A 0T8, ou de téléphoner au numéro (613) 995-0826.

Autres rapports annuels connexes :

Secrétariat d'État, écrivez à la : Direction des communications
Secrétariat d'État
Ottawa (Ontario)
K1A 0M5

Conseil du Trésor du Canada, écrivez au : Centre de distribution
Conseil du Trésor
Ottawa (Ontario)
K1A 0R5

Données linguistiques du recensement : nouveaux profils linguistiques

Par suite de l'adoption de la *Loi sur les langues officielles* de 1988, les questions du recensement portant sur la langue ont pris une importance toute particulière, tant en ce qui regarde la définition de la demande importante qu'à titre de point de référence pour déterminer le taux de participation équitable des deux collectivités linguistiques au sein de la fonction publique. Dans le questionnaire du recensement de 1986, Statistique Canada avait formulé trois questions sur la langue, chacune traitant d'un aspect précis du profil linguistique du pays.

La question linguistique qui semblera la plus familière à la majorité des lecteurs — il s'agit de la plus ancienne dans le questionnaire — est celle portant sur la « langue maternelle », soit la « première langue apprise et encore comprise » (tableau B.1). La deuxième question a trait au comportement actuel et concerne la « langue parlée à la maison » (tableau B.1). La troisième vise à déterminer le degré de bilinguisme des personnes interrogées. Elle établit le nombre de Canadiens qui parlent à la fois le français et l'anglais, l'une de ces deux langues ou aucune d'entre elles. Les deuxième et troisième questions n'apparaissent cependant que dans la version « détaillée » du questionnaire, distribuée à 20 p. 100 de la population.

Avant 1986, Statistique Canada demandait aux personnes interrogées de « cocher une seule case » en réponse aux questions portant sur la « langue maternelle » et la « langue parlée à la maison ». Le questionnaire de 1986 a été modifié pour permettre plus d'une réponse à ces questions, ce qui a provoqué une augmentation sensible de ce type de réponses. Bien que par le passé certaines personnes aient déjà donné plus d'une réponse à ces questions, ce changement a résulté en une augmentation sensible du nombre de réponses multiples. Ces choix traduisent bien la complexité linguistique du Canada. En raison de la nécessité pour les milieux politique et universitaire de disposer de données susceptibles d'être comparées à celles des recensements antérieurs, Statistique Canada a également produit des données ajustées répartissant les réponses multiples en fonction des diverses langues que l'on déclare parler.

En septembre 1989, Statistique Canada publiait[1] de nouvelles données qui incorporent les réponses aux trois questions susmentionnées (données ajustées provenant de l'échantillon de 20 p. 100) dans l'estimation de la première langue officielle parlée de la population canadienne. À la fois novatrice et d'interprétation complexe, cette méthode d'estimation permet néanmoins de mieux comprendre la composition linguistique du pays. Les trois questions ont été posées selon deux ordres distincts, qui mènent aux estimations I et II. Dans les deux cas, les personnes interrogées sont classées dans un groupe linguistique seulement si elles ne déclarent qu'une des deux langues officielles. Celles qui déclarent le français et l'anglais sont classées en fonction de leur réponse à la question suivante. Si l'on choisit de nouveau les deux langues, on passe alors à la troisième question. Les personnes qui affirment utiliser le français et l'anglais en réponse aux trois questions sont réparties à part égale entre les deux groupes linguistiques. Compte tenu de l'influence que peut avoir l'ordre des questions sur les résultats, on a jugé opportun d'établir deux estimations. L'estimation I s'appuie, dans l'ordre, sur les réponses aux questions sur la connaissance des langues officielles, la langue maternelle et la langue parlée à la maison. L'estimation II retient d'abord les réponses à la question sur la langue parlée à la maison, puis celles sur la langue maternelle.

A) Connaissance des langues officielles :
Connaissez-vous assez bien l'anglais ou le français pour soutenir une conversation ?

B) Langue maternelle :
Quelle est la langue que vous avez apprise en premier lieu dans votre enfance et que vous comprenez encore ?

C) Langue parlée à la maison :
Quelle langue parlez-vous vous-même habituellement à la maison ? (Si vous en parlez plus d'une, laquelle parlez-vous le plus souvent ?)

Selon Statistique Canada, les résultats (tableau B.2) peuvent être utiles pour « évaluer la demande de services dans chacune des langues officielles » ou pour « obtenir une estimation du nombre de Canadiens d'expression anglaise et ... [de] Canadiens d'expression française ».

---

[1] Recensement de Statistique Canada, 1986. Estimations de la population selon la première langue officielle parlée.

B.1 COMPOSITION LINGUISTIQUE DU CANADA SELON LA LANGUE OFFICIELLE

Données du recensement de 1986[1]

	LANGUE MATERNELLE[2]			LANGUE PARLÉE À LA MAISON[3]		
	Français	Anglais	Autre	Français	Anglais	Autre
Canada	6 354 840 (25,1%)	15 709 650 (62,1%)	3 244 850 (12,8%)	6 015 680 (24,0%)	17 249 900 (68,9%)	1 756 425 (7,0%)
Terre-Neuve	2 670 (0,5%)	561 300 (98,8%)	4 375 (0,8%)	2 110 (0,4%)	559 770 (99,2%)	2 135 (0,4%)
Île-du-Prince-Édouard	5 920 (4,7%)	119 175 (94,1%)	1 555 (1,2%)	3 485 (2,8%)	121 070 (96,8%)	535 (0,4%)
Nouvelle-Écosse	35 810 (4,1%)	818 905 (93,8%)	18 450 (2,1%)	24 720 (2,9%)	829 790 (96,0%)	9 595 (1,1%)
Nouveau-Brunswick	237 570 (33,5%)	462 935 (65,3%)	8 940 (1,3%)	219 350 (31,3%)	478 125 (68,1%)	4 385 (0,6%)
Québec	5 408 980 (82,8%)	678 785 (10,4%)	444 695 (6,8%)	5 343 210 (82,8%)	796 695 (12,3%)	314 600 (4,9%)
Ontario	484 265 (5,3%)	7 097 920 (78,0%)	1 519 505 (16,7%)	340 545 (3,8%)	7 798 355 (86,6%)	862 270 (9,6%)
Manitoba	51 775 (4,9%)	780 015 (73,4%)	231 220 (21,8%)	29 765 (2,8%)	915 415 (87,2%)	104 130 (9,9%)
Saskatchewan	23 720 (2,3%)	827 250 (81,9%)	158 655 (15,7%)	8 980 (0,9%)	934 890 (93,8%)	52 835 (5,3%)
Alberta	56 245 (2,4%)	1 946 725 (82,3%)	362 860 (15,3%)	24 910 (1,1%)	2 153 675 (92,0%)	161 670 (6,9%)
Colombie-Britannique	45 845 (1,6%)	2 366 805 (82,1%)	470 725 (16,3%)	17 575 (0,6%)	2 605 025 (91,4%)	226 990 (8,0%)
Yukon	620 (2,6%)	20 930 (89,1%)	1 950 (8,3%)	275 (1,2%)	22 665 (97,0%)	415 (1,8%)
Territoires du Nord-Ouest	1 420 (2,7%)	28 905 (55,3%)	21 920 (42,0%)	755 (1,5%)	34 430 (66,2%)	16 855 (32,4%)

[1] Données rajustées par Statistique Canada pour tenir compte de ceux qui mentionnent plus d'une langue maternelle ou parlent plus d'une langue à la maison.
[2] Première langue apprise et toujours comprise.
[3] Langue parlée le plus souvent à la maison.

B.2 PREMIÈRE LANGUE OFFICIELLE PARLÉE

Estimations I et II[1]

	ESTIMATION I[2]			ESTIMATION II[3]	
	Français	Anglais	Ni l'une ni l'autre*	Français	Anglais
Canada	6 454 870 (25,8%)	18 304 375 (73,1%)	262 755 (1,1%)	6 250 610 (25,0%)	18 508 635 (74,0%)
Terre-Neuve	2 170 (0,4%)	561 200 (99,5%)	635 (0,1%)	1 470 (0,3%)	561 895 (99,6%)
Île-du-Prince-Édouard	5 050 (4,0%)	120 010 (95,9%)	30 (0,02%)	3 600 (2,9%)	121 465 (97,1%)
Nouvelle-Écosse	32 955 (3,8%)	830 500 (96,1%)	700 (0,08%)	25 220 (2,9%)	838 220 (97,0%)
Nouveau-Brunswick	234 720 (33,4%)	466 840 (66,5%)	295 (0,04%)	223 450 (31,8%)	478 105 (68,1%)
Québec	5 550 395 (86,0%)	858 325 (13,3%)	45 770 (0,7%)	5 531 980 (85,7%)	876 750 (13,6%)
Ontario	469 990 (5,2%)	8 400 610 (93,3%)	130 560 (1,5%)	371 680 (4,1%)	8 498 930 (94,4%)
Manitoba	46 730 (4,5%)	990 370 (94,4%)	12 215 (1,2%)	32 600 (3,1%)	1 004 510 (95,7%)
Saskatchewan	20 470 (2,1%)	970 970 (97,4%)	5 250 (0,5%)	10 395 (1,0%)	981 050 (98,4%)
Alberta	49 205 (2,1%)	2 268 180 (96,9%)	22 885 (1,0%)	28 025 (1,2%)	2 289 350 (97,8%)
Colombie-Britannique	41 270 (1,4%)	2 770 230 (97,2%)	38 090 (1,3%)	21 050 (0,7%)	2 790 450 (97,9%)
Yukon	580 (2,5%)	22 750 (97,4%)	30 (0,1%)	310 (1,3%)	23 010 (98,5%)
Territoires du Nord-Ouest	1 355 (2,6%)	44 385 (85,3%)	6 290 (12,1%)	820 (1,6%)	44 910 (86,3%)

[1] Les estimations ont été obtenues par croisement des réponses aux trois questions du recensement concernant la langue. Les résultats pour la langue parlée à la maison et la langue maternelle sont fournis. Dans le cas des personnes ayant mentionné et le français et l'anglais comme langues parlées, la langue maternelle et la langue parlée à la maison ont été réparties également entre les deux groupes.

[2] Dans l'estimation I, la priorité est accordée à la langue maternelle.

[3] Dans l'estimation II, la priorité est accordée à la langue parlée à la maison.

* Le nombre de personnes qui disent ne connaître aucune des langues officielles est le même dans les deux estimations.

PROGRAMMES DE LANGUES OFFICIELLES

C.1

Ventilation des prévisions budgétaires et des années-personnes affectées aux programmes internes et externes de langues officielles à des organismes fédéraux, 1988-1989 et 1989-1990

	1988-1989		1989-1990	
	Prévisions budgétaires révisées (000 $)	Années-personnes	Prévisions budgétaires révisées (000 $)	Années-personnes
PROGRAMMES EXTERNES : PROVINCES, TERRITOIRES ET ORGANISMES				
Secrétariat d'État				
• Paiements de transfert aux provinces et aux territoires au titre des programmes de langues	235 845		250 607	
• Paiements de transfert aux groupes minoritaires de langue officielle				
• Paiements de transfert au titre des programmes d'expansion du bilinguisme	43 190		43 790	
• Dépenses de fonctionnement	5 033	75	5 350	82
Commission de la capitale nationale				
• Subventions à des programmes externes de bilinguisme	300	0	100	0
Commissariat aux langues officielles	11 288	160	12 269	168
Total partiel	295 656	235	312 116	250
PROGRAMMES INTERNES : FONCTION PUBLIQUE, INSTITUTIONS PARLEMENTAIRES FORCES ARMÉES ET SOCIÉTÉS D'ÉTAT				
Conseil du Trésor				
• Direction des langues officielles	5 222	64	7 868	64
Commission de la fonction publique				
• Formation linguistique	31 934	548	33 822	574
• Administration et autres activités	2 715	53	3 293	76
Secrétariat d'État				
• Services de langues officielles	91 010	1 401	103 551	1 381
Autres ministères et organismes	80 245	547	84 852	548
Institutions parlementaires	1 246	10	1 121	13
Forces armées	54 982	994	54 102	739
Sociétés d'État	26 602	n.d.	25 427	n.d.
Total partiel	293 956	3 617	314 036	3 395
TOTAL	**589 612**	**3 852**	**626 152**	**3 645**

n.d. Données non disponibles.
Source : Secrétariat du Conseil du Trésor.

Pour obtenir le montant des dépenses réelles des années précédentes, les lecteurs sont invités à communiquer avec le Secrétariat du Conseil du Trésor.

C.2

LES DEUX GROUPES DE LANGUE OFFICIELLE DANS LA FONCTION PUBLIQUE DU CANADA

Fonctionnaires fédéraux selon la première langue officielle et la catégorie d'emploi, 1983 et 1989

CATÉGORIE		FRANCOPHONES NOMBRE	%	ANGLOPHONES NOMBRE	%	TOTAL
Gestion	1983	715	20,3	2 815	79,7	3 530
	1989	895	21,8	3 205	78,2	4 100
Scientifique et professionnelle	1983	4 966	22,1	17 554	77,9	22 520
	1989	5 117	22,5	17 653	77,5	22 770
Administration et service extérieur	1983	16 142	28,9	39 712	71,1	55 854
	1989	17 370	30,5	39 617	69,5	56 987
Technique	1983	5 531	20,0	22 096	80,0	27 627
	1989	5 418	21,0	20 398	79,0	25 816
Total des agents	**1983**	**27 354**	**25,0**	**82 177**	**75,0**	**109 531**
	1989	**28 800**	**26,3**	**80 873**	**73,7**	**109 673**
Soutien administratif	1983	24 086	33,0	48 828	67,0	72 914
	1989	21 846	34,2	42 016	65,8	63 862
Exploitation	1983	11 244	24,6	34 412	75,4	45 656
	1989	9 093	24,7	27 666	75,3	36 759
Total du personnel de soutien	**1983**	**35 330**	**29,8**	**83 240**	**70,2**	**118 570**
	1989	**30 939**	**30,7**	**69 682**	**69,3**	**100 621**
GRAND TOTAL	**1983**	**62 684**	**27,5**	**165 417**	**72,5**	**228 101**
	1989	**59 739**	**28,4**	**150 555**	**71,6**	**210 294**

Source : Système d'information sur les langues officielles, 1983 et 1989.

D.1

EFFECTIFS DES PROGRAMMES DE LANGUE SECONDE DANS LES ÉCOLES PUBLIQUES

PROVINCE		Population scolaire totale	TOTAL EFFECTIFS-EN LANGUE SECONDE	PROGRAMMES D'IMMERSION EN FRANÇAIS	
				Effectifs	Écoles offrant des cours d'immersion
Terre-Neuve	1977-1978	156 168	67 791	95	3
	1988-1989	132 995	77 871	3 641	32
	1989-1990	128 540	78 200	4 000	35
Île-du-Prince-Édouard	1977-1978	27 628	16 495	541	7
	1988-1989	24 814	15 823	3 165	23
	1989-1990	24 170	15 600	3 300	24
Nouvelle-Écosse	1977-1978	198 097	88 991	127	3
	1988-1989	167 600	100 450	4 410	58
	1989-1990	165 530	99 990	5 000	65
Nouveau-Brunswick	1977-1978	162 229	70 629	3 179	34
	1988-1989	136 528	77 309	16 452	104
	1989-1990	134 680	80 200	17 400	105
Québec	1977-1978	1 053 753	678 664		
Élèves inscrits aux cours d'anglais langue seconde	1988-1989	927 159	584 842	Aucun programme d'immersion en anglais	
	1989-1990	930 900	586 850		
Québec	1977-1978	207 230	n.d.	17 754	n.d.
Élèves inscrits aux cours de français langue seconde	1988-1989	105 141	n.d.	19 000	n.d.
	1989-1990	103 000	n.d.	19 000	n.d.
Ontario	1977-1978	1 950 308	883 269	12 764	160
	1988-1989	1 868 211	1 056 606	116 697	840
	1989-1990	1 903 000	1 069 000	124 000	845

NIVEAU ÉLÉMENTAIRE[a] (Programme-cadre)			NIVEAU SECONDAIRE[a] (Programme-cadre)		
Population scolaire dont la langue d'enseignement est l'anglais (Le français au Québec)	Langue seconde[c] Effectifs	%	Population scolaire dont la langue d'enseignement est l'anglais (Le français au Québec)	Langue seconde[c] Effectifs	%
93 440	33 585	35,9	62 453	34 111	54,6
65 284	37 267	57,1	63 840	36 963	57,9
64 500	37 700	58,4	59 790	36 500	61,0
13 284	7 351	55,3	13 171	8 603	65,3
10 367	5 849	56,4	10 768	6 809	63,2
10 300	5 650	54,9	10 590	6 650	62,8
100 529	30 025	29,9	91 545	58 839	64,3
82 729	45 430	54,9	77 225	50 610	65,5
81 530	44 990	55,2	75 800	50 000	66,0
49 019	29 563	60,3	56 930	37 887	66,6
36 063	34 830	96,6	38 705	26 027	67,2
37 880	36 000	95,0	34 400	26 800	77,9
580 351	214 730	37,0	473 402	463 934	98,0
601 640	265 422	44,1	325 938	319 420	98,0
604 400	265 900	44,0	327 500	320 950	98,0
Voir le tableau D.2 (Enseignement dans la langue de la minorité)			Voir le tableau D.2 (Enseignement dans la langue de la minorité)		
1 221 579	650 136	53,2	612 574	220 369	36,0
1 036 600	700 000	67,5	621 399	239 909	38,6
1 065 500	713 000	66,9	619 800	232 000	37,4

Suite

PROVINCE[a]		Population scolaire totale	TOTAL EFFECTIFS-EN LANGUE SECONDE	PROGRAMMES D'IMMERSION EN FRANÇAIS	
				Effectifs	Écoles offrant des cours d'immersion
Manitoba	1977-1978	221 408	85 619	1 667	13
	1988-1989[e]	198 788	108 425	17 779	91
	1989-1990[e]	197 840	109 300	19 000	95
Saskatchewan	1977-1978	216 248	53 804	407	2
	1988-1989[e]	202 493	106 958	9 476	60
	1989-1990[e]	202 450	112 360	10 400	62
Alberta	1977-1978	439 804	n.d.	n.d.	n.d.
	1988-1989[e]	461 176	172 700	24 921	151
	1989-1990[e]	467 800	184 600	27 000	155
Colombie-Britannique	1977-1978	527 769	161 110	1 301	15
	1988-1989[e]	499 996	216 537	24 292	187
	1989-1990[e]	507 960	224 300	26 500	200
Yukon	1977-1978	5 394	n.d.	n.d.	n.d.
	1988-1989[e]	5 006	2 958	342	2
	1989-1990[e]	5 110	3 120	370	2
Territoires du Nord-Ouest	1977-1978	12 717	n.d.	n.d.	n.d.
	1988-1989[e]	13 449	4 001	366	4
	1989-1990[e]	13 580	4 025	400	4
TOTAL	**1977-1978**	**5 178 753**	**(1)**	**37 835**	**237**
	1988-1989[e]	**4 743 356**	**2 524 480**	**240 541**	**1 552**
	1989-1990[e]	**4 784 560**	**2 567 545**	**256 370**	**1 592**

(1) Le total de 1977-1978 s'élève à 2 106 372, lorsque les chiffres sont additionnés verticalement. Additionnés horizontalement, les chiffres pour cette même année donnent un total de 2 240 949. Cela est dû à la non-disponibilité des données pour l'Alberta et les Territoires du Nord-Ouest.

[a] Là où aucune indication n'est donnée, la langue seconde enseignée est le français.

[b] Estimation de Statistique Canada.

[c] Voir le tableau D.2 pour le nombre d'élèves inscrits aux programmes d'enseignement dans la langue de la minorité.

[d] M à 6 sauf en Ontario (M à 8), en Colombie-Britannique et au Yukon (M à 7).

NIVEAU ÉLÉMENTAIRE[1] (Programme-cadre)			NIVEAU SECONDAIRE[1] (Programme-cadre)		
Population scolaire dont la langue d'enseignement est l'anglais (Le français au Québec)	Langue seconde[2] Effectifs	%	Population scolaire dont la langue d'enseignement est l'anglais (Le français au Québec)	Langue seconde[2] Effectifs	%
110 831	42 576	38,4	100 707	41 376	41,1
89 392	49 435	55,3	86 262	41 211	47,8
88 800	49 700	56,0	84 540	40 600	48,0
110 382	4 928	4,5	104 075	48 469	46,6
105 215	52 024	49,4	86 548	45 458	52,5
104 000	54 600	52,5	86 900	47 360	54,5
216 656	52 435	24,2	215 899	58 903	27,3
236 186	68 583	29,0	198 033	79 196	40,0
232 300	72 000	31,0	206 350	85 600	41,5
305 574	75 740	24,8	220 894	84 069	38,1
286 126	98 052	34,3	187 662	94 193	50,2
294 000	105 800	36,0	185 550	92 000	49,6
3 545	1 346	38,0	1 849	939	50,8
2 994	1 708	57,0	1 629	908	55,7
3 120	1 870	59,9	1 580	880	55,7
8 801	2 100	23,9	3 916	1 100	28,1
9 077	2 296	25,3	3 974	1 339	33,7
9 040	2 350	26,0	4 110	1 275	31,0
2 813 991	**1 144 515**	**40,7**	**1 957 415**	**1 058 599**	**54,1**
2 561 673	**1 360 896**	**53,1**	**1 701 983**	**942 043**	**55,3**
2 595 370	**1 389 560**	**53,5**	**1 696 910**	**940 615**	**55,4**

[1] 7 à 12 sauf en Ontario (9 à 13), au Québec (7 à 11), en Colombie-Britannique et au Yukon (8 à 12).
[2] Données révisées depuis la parution du *Rapport annuel 1988*.
n.d. Données non disponibles.

Source : Statistique Canada, Division de l'enseignement élémentaire et secondaire.

D.2

PROGRAMMES D'ENSEIGNEMENT DANS LA LANGUE DE LA MINORITÉ

Nombre d'élèves inscrits aux programmes conçus pour permettre aux enfants de la minorité de langue officielle (l'anglais au Québec et le français ailleurs) d'étudier dans leur langue maternelle ; classes où ces programmes sont assurés ; nombre d'écoles les dispensant, selon les provinces et territoires, 1970-1971, 1988-1989 et 1989-1990

		Élèves inscrits	Classes	Écoles
Terre-Neuve	1970-1971	185	M à 10	1
	1988-1989r	230	M à 10	4
	1989-1990r	250	M à 10	4
Île-du-Prince-Édouard	1970-1971	796	1 à 12	7
	1988-1989r	514	1 à 12	2
	1989-1990r	520	1 à 12	2
Nouvelle-Écosse	1970-1971	7 388	P à 12	32
	1988-1989r	3 236	P à 12	18
	1989-1990r	3 200	P à 12	18
Nouveau-Brunswick	1970-1971	60 679	M à 12	196
	1988-1989r	45 308	M à 12	150
	1989-1990r	45 000	M à 12	150
Québec	1970-1971	248 855	M à 11	519
	1988-1989r	105 141	M à 11	370
	1989-1990r	103 000	M à 11	360
Ontario	1970-1971	115 869	M à 13	381
	1988-1989r	93 515	M à 13	360
	1989-1990r	94 200	M à 13	360
Manitoba	1970-1971	10 405	M à 12	49
	1988-1989r	5 355	M à 12	31
	1989-1990r	5 500	M à 12	31
Saskatchewan	1970-1971	765	M à 12	12
	1988-1989r	1 254	M à 12	12
	1989-1990r	1 150	M à 12	12

Suite

		Élèves inscrits	Classes	Écoles
Alberta	1970-1971	n.d.	n.d.	n.d.
	1988-1989'	2 036	M à 12	20
	1989-1990*	2 150	M à 12	20
Colombie-Britannique	1970-1971	-	-	-
	1988-1989'	1 916	M à 12	39
	1989-1990*	1 910	M à 12	39
Yukon	1970-1971	-	-	-
	1988-1989'	41	M à 8	1
	1989-1990*	40	M à 8	1
Territoires du Nord-Ouest	1970-1971	-	-	-
	1988-1989'	32	M à 6	1
	1989-1990*	30	M à 6	1
TOTAL	**1970-1971**	**444 942**		**1 197**
	1988-1989'	**258 578**		**1 008**
	1989-1990*	**256 950**		**998**

* Estimation de Statistique Canada.

' Données révisées depuis la parution du *Rapport annuel 1988*.

n.d. Données non disponibles.

\- Aucun

Source : Statistique Canada, Division de l'enseignement élémentaire et secondaire.

E.1 PRINCIPALES DISPOSITIONS FÉDÉRALES ET PROVINCIALES EN MATIÈRE DE LANGUES OFFICIELLES : UN TOUR D'HORIZON

	Parlement et organismes fédéraux	Terre-Neuve	Nouvelle-Écosse	Île-du-Prince-Édouard	Nouveau-Brunswick	Québec
Droit à l'instruction dans la langue de la minorité (*art. 23* Charte)	*	*	*	*	*	*①
Droit de recevoir des services fédéraux en français et en anglais (*par. 20(1)* Charte, Partie IV, LLO /1988)	*	*	*	*	*	*
Droit de recevoir des services en français ou en anglais d'un gouvernement provincial ou territorial	s/o				*par. 20(2)* Charte des droits LLO de 1969 Loi reconnaissant l'égalité des deux communautés linguistiques Nouveau-Brunswick 1981	Loi 142 de 1986 (garantit des services de santé et des services sociaux en anglais)
Usage facultatif du français et de l'anglais dans les débats, travaux et séances du Parlement du Canada et des législatures provinciales	*art. 133* Loi constitutionnelle de 1867				*par. 17(2)* Charte des droits LLO de 1969	*art. 133* Loi constitutionnelle de 1867
Usage obligatoire du français et de l'anglais dans les lois, registres, procès-verbaux et journaux du Parlement du Canada et des législatures provinciales	*art. 133* Loi constitutionnelle de 1867				*par. 18(2)* Charte des droits LLO de 1969	*art. 133* Loi constitutionnelle de 1867
Droit d'employer le français ou l'anglais dans les procédures criminelles	*art. 133* Loi constitutionnelle de 1867	④	④ Partie XVII (en cas d'infractions punissables par procédure sommaire)	④ Partie XVII (en cas d'infractions punissables par procédure sommaire)	*par.19(2)* Charte des droits (Partie XVII) C cr. LLO de 1969	④ *art. 133* Loi constitutionnelle de 1867
Droit d'employer le français ou l'anglais dans les procédures civiles	*art. 133* Loi constitutionnelle de 1867				*par.19(2)* Charte des droits LLO de 1969	*art. 133* Loi constitutionnelle de 1867
Réseau de radiotélévision de la Société Radio-Canada programmation dans la langue de la minorité (Loi sur la radiodiffusion)	*	*	*	*	*	*
Étiquetage des produits de consommation (Loi sur l'emballage et l'étiquetage des produits de consommation)	*	*	*	*	*	*

Légende * S'applique dans cette juridiction. Les italiques indiquent des dispositions inscrites dans la Constitution.

Remarque : Certains droits et obligations constituent des droits de facto dès leur entrée en vigueur, ceux ayant trait au Parlement, à la législation ou aux tribunaux par exemple, alors que d'autres font l'objet d'une mise en œuvre progressive, le service au public et les droits scolaires notamment, comme en font état les parties II et IV du Rapport.

Notes

① La clause dite « de la langue maternelle » (alinéa 23(1)a)) de la Charte canadienne des droits et libertés, selon laquelle « les citoyens canadiens dont la première langue apprise ou encore comprise est celle de la minorité francophone ou anglophone de la province où ils résident » peuvent faire instruire leurs enfants dans la langue de la minorité de ladite province, ne s'applique pas en ce moment au Québec. Cependant, la Charte confère à la province le droit de décision en cette matière.

Ontario	Manitoba	Saskatchewan	Alberta	Colombie-Britannique	Territoires du Nord-Ouest	Yukon
•	•	•	•	•	•	•
•	•	•	•	•	•	•
art.5 Loi sur les services en français de 1986					② art. 15 Loi des T. N.-O. sur les langues officielles de 1984	③ par. 6(1) Loi sur les langues de 1988
art.3(1) Loi sur les services en français de 1986	*art. 23 Loi de 1870 sur le Manitoba*	art. 12 Loi linguistique de 1988	par. 5(1) Loi linguistique de 1988		② art. 10 Loi des T. N.-O. sur les langues officielles de 1984	③ art. 3(1) Loi sur les langues de 1988
art.3(2) Loi sur les services en français (à compter du 1er janvier 1991)	*art. 23 Loi de 1870 sur le Manitoba*				② art. 12 Loi des T. N.-O. sur les langues officielles de 1984	art. 4 Loi sur les langues de 1988 (à compter du 31 déc. 1990. Ne s'applique qu'aux lois.)
Partie XVII C cr.	Partie XVII C cr.	Partie XVII C cr.	④	④	Partie XVII C cr.	Partie XVII C cr.
Loi de 1984 sur les tribunaux judiciaires (Gamme de droits à l'emploi du français dans les cours désignées) à cette fin)	*art. 23 Loi de 1870 sur le Manitoba*	art. 11 Loi linguistique de 1988 (devant les tribunaux désignés)	art. 4 Loi linguistique de 1988 (communications orales devant les tribunaux désignés)		② art. 13 Loi des T. N.-O. sur les langues officielles de 1984	③ art. 5 Loi sur les langues de 1988
•	•	•	•	•	•	•
•	•	•	•	•	•	•

② Les dispositions de cette loi entrent en vigueur le 31 décembre 1990, au plus tard.
③ Les dispositions de cette loi entrent en vigueur le 31 décembre 1992, au plus tard.
④ La Partie XVII entre automatiquement en vigueur le 1er janvier 1990 dans les provinces où il n'est pas déjà en vigueur.

Sources : Loi constitutionnelle de 1867 ; Loi constitutionnelle de 1982 (Charte canadienne des droits et libertés) ; Loi de 1870 sur le Manitoba ; Loi sur les langues officielles de 1988 ; Loi des territoires du Nord-Ouest sur les langues officielles ; Loi de 1984 sur les tribunaux judiciaires (Ontario) ; Code criminel ; Loi modifiant de nouveau la Loi sur les services de santé et les services sociaux (Loi 142, Québec) ; Loi sur les langues (Yukon) ; Loi linguistique (Alberta) ; Loi linguistique (Saskatchewan) ; Loi sur les services en français (Ontario) ; Loi de 1969 sur les langues officielles (Nouveau-Brunswick) ; Loi reconnaissant l'égalité des deux communautés linguistiques officielles au Nouveau-Brunswick (1981).

INDEX

Notes sur l'utilisation de cet index

1) Chercher directement au sujet (ex. offre active de services bilingues) ou aux noms des provinces et des territoires (ex. Ontario, enseignement dans la langue de la minorité).
2) Les numéros de pages paraissant en caractère gras renvoient au développement principal du sujet dans le texte.
3) À moins d'indication contraire, le terme « services bilingues » représente les services fournis par le gouvernement fédéral. Les services bilingues offerts par les provinces et les municipalités sont décrits comme tels sous les noms des provinces et des territoires.

Accord du lac Meech i, 6, 192, 223
Administration scolaire
  Île-du-Prince-Édouard 233
  Ontario 39-40, 217-218
  Québec 197, 224-225
  Saskatchewan 209
Affaire Boudreau (Nouveau-Brunswick) 33-34
Affaire Gautreau (Nouveau-Brunswick) 33, 229
Affaire Goguen, Hub City Suzuki et Romo Drilling Ltd. (Nouveau-Brunswick) 35-36
Affaire Jourdain (Manitoba) 42-43
Affaire Mahé (Alberta) 23, 40, 211
Affaire Mercure (Saskatchewan) 5
Affaire Nima c. McInnes (Colombie-Britannique) 35
Affaire Rimmer et al. (Manitoba) 34-35
Affaire Saulnier (Nouvelle-Écosse) 32, 233
Affaires extérieures (Ministère) * 120-122
Affaires indiennes et du Nord canadien (Ministère) * 122-124
Affichage commercial au Québec 5, 45, 204, 220-222
Agriculture (Ministère) 124-125
Air Canada * iii, 18, 86, 111, **125-127**
Alberta
  affaire Mahé 23, 40, 211
  communautés minoritaires de langue officielle 5, 211-212
  droits linguistiques de la minorité 23, 40, 211
  enseignement dans la langue de la minorité 211-212
  enseignement de la langue seconde 255
  entente fédérale-provinciale 212
  programmes d'immersion 255
Alliance Québec 193, 204-205, 220, 221, 228, 252
Alphabétisation de la minorité francophone en Saskatchewan 210
Anglophones au Québec 22, 200, 202, 204-205
Annonces de sécurité et de situation d'urgence 86-87
Approvisionnements et Services (Ministère) * 88, **127-129**
Archives nationales 129-130
Association canadienne de syndics des écoles 9
Association canadienne-française de l'Alberta 9, 211, 212
Association canadienne-française de l'Ontario 216
Association culturelle franco-canadienne de la Saskatchewan 209, 210
Association d'expression française des municipalités de l'Ontario 218
Association des commissions scolaires protestantes du Québec 197-198, 251
Association des consommateurs du Canada 87-88
Association des fabricants canadiens de produits alimentaires 12
Association des Franco-Yukonais 213
Association des parents du programme-cadre de français (Colombie-Britannique) 212

Association française des conseils scolaires de l'Ontario 39-40
Association francophone des municipalités du Nouveau-Brunswick 231
Association multiculturelle francophone de l'Ontario 9

Banque du Canada, langue de travail 113
Banque fédérale de développement 130-131
Bibliothèque nationale 131-132
Bilinguisme
  actes et décrets 41-42, 208-209
  annonces de sécurité et de situation d'urgence 86-87
  emballage et étiquetage iii, 11-12, 84-86
  événements populaires 78
  fonction publique **59-68**, 98-99
  informatique et bureautique 114
  personnel cadre 114
  procédures judiciaires 5, 17, 43, 194
  provinces 3-4
  secteur privé 19, 74
  surveillants 113-114
Bilinguisme institutionnel 87-88
Bureau du Conseil privé iii, 53, 132-133

Câblodistribution, services aux minorités de langue officielle 10-11
Canadian Parents for French 205, 242, 243
  Colombie-Britannique 255
  Île-du-Prince-Édouard 249
  Rendez-vous 242, 254
  Saskatchewan 254
Centre culturel franco-manitobain 208
Charte canadienne des droits et libertés
  droit à l'enseignement dans la langue de la minorité 23-24, 36-41, 195-200
  droits de la minorité 32-34
Charte de la langue française (Québec) 221-222
Cinéma au Québec 227
Code criminel, dispositions linguistiques 5, 44, 194
Collège de l'Acadie (Nouvelle-Écosse) 232
Colombie-Britannique
  affaire Nima c. McInnes 35
  communautés minoritaires de langue officielle 212-213
  droits linguistiques de la minorité 35
  enseignement dans la langue de la minorité 212
  enseignement de la langue seconde 255
  Maison de la francophonie 194, 212
  pénurie d'enseignants de la langue seconde 255
Comité des parents pour une éducation en français de Saint-Jean (Terre-Neuve) 234-235
Comité mixte permanent des langues officielles 12-13, **48-51**
  comparution du Commissaire aux langues officielles 12, 48-49, 260
  et questions linguistiques dans le recensement 12, 49-50
  et rendement des ministères 12-13, 50-51
Comité pour une école française à l'Île du Cap-Breton 36
Commissaire aux langues officielles
  activités 205-206, **259-262**
  devant le Comité mixte permanent des langues officielles 12, 48-49, 260
  et questions linguistiques dans le recensement 49

promotion des langues officielles 260-262
recommandations sur les programmes des langues officielles 26-30
Commissariat aux langues officielles
et droit à l'enseignement dans la langue de la minorité 197-198
organigramme
participation équitable 265-266
promotion des langues officielles 264-265
publications 265, 273
ressources 266
structure 262-266
Commission de la capitale nationale 74, 135
Commission de la fonction publique 53, 67, 102, 104, 136
Commission des écoles protestantes du grand Montréal 224
Commission Laurendeau-Dunton 6, 195
Commission nationale des parents francophones 195-197
Communautés minoritaires de langues officielles 21-23, **191-206**
VOIR AUSSI aux noms des provinces et territoires
Communications (Ministère) 136-137
Confederation of Regions Party (Nouveau-Brunswick) 229
Conseil canadien des langues officielles 20, 76
Conseil canadien des relations du travail * 138
Conseil de l'éducation franco-ontarienne 216
Conseil de la radiodiffusion et des télécommunications canadiennes 10, 11
Conseil de recherches médicales * 138-140
Conseil des ministres de l'Éducation du Canada 195, 240
Conseil du Trésor 53
Conseil du Trésor (Secrétariat) ii, 13-17, **53-57**, 89, 171-172
et programme des langues officielles 57-58
politiques et directives 12-13
protocoles d'entente 58-59
rapport annuel 57
réglementation sur les communications et les services iii, 13, 16-17, 53-57
Conseil national de recherches 140-141
Conseil scolaire de langue française d'Ottawa-Carleton 40, 217
Conseils scolaires de langue française en Ontario 40, 217
Consommation et Corporations (Ministère) 141-142
plaintes 84-86
Contrôleur général 142-143
Cour suprême du Canada (causes et décisions)
affaire Mahé (Alberta) 23, 40, 211
affaire Mercure (Saskatchewan) 5
affaire de l'Association des commissions scolaires protestantes du Québec 37-39, 197, 198

Défense nationale (Ministère) * 13, 143-146
langue de travail 50-51
plaintes 91
Demande importante 55
Démographie linguistique 77
langue maternelle 278
langue parlée à la maison 278
première langue officielle parlée 279
Directeur général des élections 133-134
Dotation en personnel à la fonction publique 55-56

plaintes 88-89
Droits linguistiques de la minorité 7, **31-47**, 288-289
affaire Boudreau (Nouveau Brunswick) 33-34
affaire Gautreau (Nouveau-Brunswick) 33, 229
affaire Goguen, Hub City Suzuki et Romo Drilling Ltd (Nouveau-Brunswick) 35-36
affaire Jourdain (Manitoba) 42-43
affaire Mahé 23, 40, 211
affaire Mercure (Saskatchewan) 5
affaire Nima c. McInnes (Colombie-Britannique) 35
affaire Rimmer et al. (Manitoba) 34-35
affaire Saulnier (Nouvelle-Écosse) 32, 233
Alberta 23, 40, 211
Colombie-Britannique 35
devant les tribunaux 43
éducation 23-24, 36-41, 195-200
législation linguistique
Manitoba 34-35, 41-43
Nouveau-Brunswick 5, 33-34, 35-36, 46, 201, 229
Nouvelle-Écosse 32, 36-37, 233
Ontario 5, 44, 201, 215-216
Québec 5, 22, 45, 194, 201, 220-222, 226
Saskatchewan 5, 201

Éducation préscolaire
VOIR Garderies et maternelles
Emballage et étiquetage iii, 11-12, 84-86
Emploi et Immigration (Ministère) * 108, 146-148
Énergie atomique du Canada Limitée 148-149
Énergie, Mines et Ressources (Ministère) 149-150
Enseignants de la langue seconde 243-245
Enseignement dans la langue de la minorité iv, 21, 286-287
Alberta 211-212
Charte canadienne des droits et libertés 23-24, 36-41, 195-200
Colombie-Britannique 212
effectifs scolaires par province
ententes fédérales-provinciales/territoriales 19, 71-72, 195
Île-du-Prince-Édouard 233-234
Manitoba 208
Nouvelle-Écosse 36-37, 232
Ontario 216
Protocole fédéral-provincial sur les langues officielles en éducation 19, 71-72
Québec 197, 223-224
Terre-Neuve 234-235
Territoires du Nord-Ouest 214
Enseignement de la langue seconde iv, 21, 24-25, **239-248**
échanges étudiants 243
effectifs scolaires 239, 282-285
ententes fédérales-provinciales/territoriales 19, 71-72
formation des enseignants 243-244
pénurie d'enseignants 244-245
postsecondaire 245-246
programmes-cadres de français 241-242
programmes d'immersion 241-242
protocoles d'entente 19, 240

VOIR AUSSI aux noms des provinces et territoires
Enseignement postsecondaire dans la langue de la minorité 198-200
Nouveau-Brunswick 231
Nouvelle-Écosse 232
Ontario 216-217
Québec 198, 225
Région de la capitale nationale 25
Saskatchewan 210
Entente-cadre Canada-Saskatchewan 207-210
Entente Canada-Québec sur l'accès des anglophones aux services sociaux et de santé 5, 22, 194
Ententes fédérales-provinciales/territoriales 5, 71
Alberta 212
éducation 19, 71-72, 195, 240
Île-du-Prince-Édouard 194, 234
Nouveau-Brunswick 194, 231-232
Nouvelle-Écosse 194
Ontario 194
Québec 5, 22, 194, 226
Saskatchewan 209-210
services 19, 194-195
Yukon 194
Environnement (Ministère) * 150-151
Étude nationale sur les programmes-cadres de français 240-241
Exigences linguistiques dans la fonction publique 55-56, 59-60, 88-89, 91

Fédération acadienne de la Nouvelle-Écosse 233
Fédération culturelle des Canadiens français 203
Fédération des festivals acadiens de la Nouvelle-Écosse 233
Fédération des francophones de Terre-Neuve et du Labrador 235
Fédération des francophones hors Québec 9, 50, 193, 202-203
Fédération des groupes ethniques du Québec Inc. 9
Fédération des jeunes Canadiens français 73, 202, 203-204
Fédération des parents acadiens de la Nouvelle-Écosse 233
Fédération des parents francophones de l'Alberta 211
Fédération franco-colombienne 212-213
Fédération Franco-TéNOise 214
Finances (Ministère) 151-152
Fonction publique
bilinguisme **59-68**, 98-99
compétence linguistique des fonctionnaires 61-62
désignation linguistique des postes 56, 88-89
dotation en personnel 55-56, 88-89
effectifs 102
effectifs bilingues 60-61
exigences linguistiques 55-56, 59-60, 88-89, 91
formation linguistique 63-66
formation professionnelle 63
participation équitable 102-110, 281
postes bilingues 62-63
prime au bilinguisme 21, 67-68
Formation linguistique dans la fonction publique 63-66
Formation professionnelle dans la fonction publique 63
Francophones hors Québec 202-204

Garderies et maternelles dans la langue de la minorité 193, 196
Gendarmerie royale du Canada * 152-154

Identité canadienne 11
Île-du-Prince-Édouard
  accord avec le Québec 194, 233-234
  administration scolaire 233
  communautés minoritaires de langue officielle 233-234
  enseignement dans la langue de la minorité 233-234
  enseignement de la langue seconde 249
  entente fédérale-provinciale 194, 234
  formation des enseignants de la langue seconde 244
  radiodiffusion 234
  services provinciaux 194, 201, 234
Immersion
  VOIR Programmes d'immersion
Immigrants et réfugiés, et langues officielles 9-10
Industrie, Sciences et Technologie (Ministère) 154-155
Informatique et bureautique 114
Institut canadien des langues patrimoniales 9
Interprétation
  VOIR Traduction et interprétation

Jeux du Canada 210
Justice (Ministère) 155-156

« L'Acadie Nouvelle » 231
Lac Meech (accord)
  VOIR Accord du lac Meech
Langue de service **93-100**
  dans les ministères et organismes fédéraux 95-99
  offre active de services bilingues ii-iii, 15, 55, 95-98
  plaintes 81-82, 83, 84, 94
  VOIR AUSSI Services bilingues; et aux noms des organismes
Langue de travail 15-16, **111-115**
  dans les ministères et organismes fédéraux 112-115
  plaintes 82-84, 89-90
  réglementation 16, 54, 112, 114-115
  VOIR AUSSI aux noms des organismes
Langue maternelle 278
Langue parlée à la maison 278
Langues aborigènes 8
Langues officielles
  législation 288-289
  sondage Gallup 3-4
Langues patrimoniales 9
Législation linguistique 288-289
Libre-échange et questions linguistiques 11-12
Loi 8
  VOIR Loi sur les services en français (Ontario)
Loi 88 (Égalité des deux communautés linguistiques du Nouveau-Brunswick)
  VOIR Loi reconnaissant l'égalité des deux communautés linguistiques officielles au Nouveau-Brunswick
Loi 101
  VOIR Charte de la langue française (Québec)

Loi 107 (Commissions scolaires à caractère linguistique au Québec) 39, 197, 224-225
Loi 125 (Représentation des francophones au sein des conseils scolaires en Ontario) 39-40
Loi 142 (Services sociaux et de santé au Québec) 5, 22, 194, 201, 226
Loi 178 (Affichage au Québec) 5, 220-222
  réglementation 45, 221
Loi C-40
  VOIR Loi sur la radiodiffusion
Loi constitutionnelle de 1867 36-41
Loi reconnaissant l'égalité des deux communautés linguistiques officielles au Nouveau-Brunswick 5, 46, 201, 232
Loi sur la radiodiffusion 10
Loi sur les douanes 35-36
Loi sur les langues officielles i-ii, 4, 7, 34-36, 43, 85-86, 88, 101, 192, 221-222
  réglementation iii, 4, 13, 16-17, 53-57
Loi sur les langues officielles (Nouveau-Brunswick) 5, 229
Loi sur les langues officielles (Territoires du Nord-Ouest) 8, 214
Loi sur les services en français (Ontario) 5, 44, 201, 215-216

Maintien de l'acquis en langue seconde chez les diplômés de l'immersion 245-247
Maison de la francophonie (Vancouver, C.-B.) 194, 212
Manitoba
  actes et décrets 41-42, 208-209
  affaire Jourdain 42-43
  affaire Rimmer et al. 34-35
  communautés minoritaires de langue officielle 207-209
  droits linguistiques de la minorité 34-35, 41-43
  enseignement dans la langue de la minorité 208
  enseignement de la langue seconde 254
  programmes d'immersion 254
  radio communautaire 208
  services bilingues 97
  services municipaux 208
  services provinciaux 45, 201, 207-208
Marine Atlantique * 156-158
Médias de la minorité de langue officielle 56, 99
Nouveau-Brunswick 230-231
  plaintes 99
Mouvement Québec Français 221-222
Multicultural Communications Federation 9
Multiculturalisme 9-10, 262-263
Musées nationaux 158-161

Nouveau-Brunswick
  actes et décrets 42
  affaire Boudreau 33-34
  affaire Gautreau 33, 229
  affaire Goguen, Hub City Suzuki et Romo Drilling Ltd. 35-36
  communautés minoritaires de langue officielle 229-232
  droits linguistiques de la minorité 5, 33-34, 35-36, 46, 201, 229
  enseignement de la langue seconde 240, 250-251
  enseignement postsecondaire dans la langue de la minorité 231
  entente fédérale-provinciale 194, 231-232
  Loi reconnaissant l'égalité des deux communautés linguistiques officielles 5, 46, 201, 232

Loi sur les langues officielles 5, 229
médias de la minorité de langue officielle 230-231
participation équitable iii, 103, 107, 230
procédures judiciaires 46, 201, 232
programmes des langues officielles 229-230
services bilingues 96-97
services municipaux 231
services provinciaux 194, 231-232
services sociaux et de santé 232
Nouvelle-Écosse
affaire Saulnier 32, 233
communautés minoritaires de langue officielle 232-233
droits linguistiques de la minorité 32, 36-37, 233
enseignement dans la langue de la minorité 36-37, 232
enseignement de la langue seconde 250
enseignement postsecondaire dans la langue de la minorité 232
entente fédérale-provinciale 194
programmes d'immersion 250
radiodiffusion 232-233
services provinciaux 194, 233

Office de coordination des affaires francophones et de traduction (Saskatchewan) 201
Office de la langue française (Québec) 204, 227
Offre active de services bilingues ii-iii, 15, 55, 95-98
Ontario
administration scolaire 39-40, 217-218
communautés minoritaires de langue officielle 215-219
conseils scolaires de langue française 40, 217
droits linguistiques de la minorité 5, 44, 201, 215-217
enseignement dans la langue de la minorité 216
enseignement de la langue seconde 240, 253-254
enseignement postsecondaire dans la langue de la minorité 216-217
entente fédérale-provinciale 194
loi 125 sur la représentation des francophones dans les conseils scolaires 39-40
Loi sur les services en français 5, 44, 201, 215-216
pénurie d'enseignants de la langue seconde 253-254
programmes d'immersion 253
services bilingues 97
services municipaux 218
services provinciaux 5, 194, 215-216
services sociaux et de santé 218-219
télédiffusion 219
Organismes bénévoles 19, 73-74

Parti Égalité (Québec) 222-223
Participation équitable dans les institutions fédérales iv, **101-110**
Commissariat aux langues officielles 265-266
fonction publique 102-110, 281
gestion (Catégorie) 103
Nouveau-Brunswick iv, 103, 107
Québec iv, 103, 106, 107-108, 226-227
région de la capitale nationale 108-109
réglementation 17
scientifique et professionnelle (Catégorie) 103

sociétés d'État 106
soutien administratif (Catégorie) 103, 109
VOIR AUSSI aux noms des organismes
Pêches et Océans (Ministère) 162
Personnel cadre bilingue 114
Pétro-Canada 163-164
Plaintes iii, 13, **81-92**, 263, 269-271
par organisme 271
par province 269
VOIR AUSSI aux divers sujets; et aux noms des organismes
Postes bilingues dans la fonction publique 62-63
Postes Canada
VOIR Société canadienne des postes
Première langue officielle parlée 279
Prime au bilinguisme 21, 67-68
Privatisation et langues officielles iii, 18, 100
Procédures judiciaires
bilinguisme 5, 17, 43, 194
Nouveau-Brunswick 46, 201, 232
Professeurs de langue seconde
VOIR Enseignants de la langue seconde
Programme d'aide à la contestation judiciaire 46-47
Programme d'information sur les langues officielles iii, 7-8, 19-20, 75-76
Programme de radio communautaire en langue officielle 73
Programme des langues officielles ii, 57-58
coûts et dépenses 20-21, 280
dans les sociétés d'État 58-59
recommandations du Commissaire aux langues officielles 26-30
Programme des langues officielles dans l'enseignement 240
Programmes-cadres de français 240-241
Programmes d'immersion 241-242
effectifs scolaires 239
taux d'abandon 241-242
VOIR AUSSI aux noms des provinces et territoires
Promotion des langues officielles 5, 20
activités du Commissaire aux langues officielles 260-262
activités du Commissariat aux langues officielles 264-265
activités du Secrétariat d'État 73-74
Protocole fédéral-provincial sur les langues officielles en éducation 19, 71-72
Protocoles d'entente iii, 19, 58-59, 71-72, 195

Québec
accord avec l'Île-du-Prince-Édouard 194, 233
actes et décrets 42
administration scolaire 197, 224-225
affichage commercial 5, 45, 204, 220-221
commissions scolaires confessionnelles 37-39, 197, 198, 251
communautés minoritaires de langue officielle 219-228
droits linguistiques de la minorité 5, 22, 45, 194, 201, 220-222, 226
emballage et étiquetage 11
enseignement dans la langue de la minorité 197, 223-224
enseignement de la langue seconde 225-226, 240, 251-252
enseignement postsecondaire dans la langue de la minorité 198, 225
entente fédérale-provinciale 5, 22, 194, 226

langue du cinéma 227
loi 107 (Commissions scolaires à caractère linguistique) 39, 197, 224-225
loi 142 (Services sociaux et de santé) 5, 22, 194, 201, 226
loi 178 (Langue d'affichage) 5, 45, 220-222
participation équitable iv, 103, 107-108, 226-227
position sur l'Accord du lac Meech 223
programme intensif d'anglais langue seconde 252
programmes d'immersion 252
services bilingues 96-97
services sociaux et de santé 5, 22, 194, 201, 226
Ville de Rosemère 204, 227

Radio communautaire 73
au Manitoba 208
Radio-Canada
VOIR Société Radio-Canada
Radiotélévision 10-11
canal parlementaire 10
dans la langue de la minorité 10-11, 214, 219, 232-233, 234
Newsworld Channel 10
radio communautaire 73, 208
services de câblodistribution 10-11
VOIR AUSSI aux noms des provinces et territoires
Recensement, questions relatives à la langue 12, 49-50, 276-277
Recherche sur les questions linguistiques 76-77
Région de la capitale nationale 25-26
bilinguisme 25-26, 74-75
enseignement postsecondaire dans la langue de la minorité 25
participation équitable 108-109
promotion des langues officielles 25
services bilingues 96
services sociaux et de santé 25
Revenu national (Douanes et Accise) 165-166
Revenu national (Impôt) 166-168
plaintes 91-92
Rosemère
VOIR Ville de Rosemère (Québec)

Santé et sécurité du public 56
Santé nationale et Bien-être social (Ministère) • 168-169
Saskatchewan
administration scolaire 209
affaire Mercure 5
alphabétisation de la minorité francophone 210
communautés minoritaires de langue officielle 5, 201, 209-211
droits linguistiques de la minorité 5, 201
enseignement de la langue seconde 240, 254
enseignement postsecondaire dans la langue de la minorité 210
entente fédérale-provinciale 209-210
formation des enseignants de la langue seconde 244
services provinciaux 209-210
Secrétariat d'État ii, 19-20, 53, **70-78**, 169-171, 192-193
coordination interministérielle 72, 193
ententes fédérales-provinciales/territoriales 19, 71, 193-194

programme d'information sur les langues officielles 19-20, 75-76
programme de radio communautaire en langue officielle 73
promotion des langues officielles 73-74
rapport annuel 19, 71
services de traduction 69
Secteur privé 19, 74
Service canadien du renseignement de sécurité 172-173
Service correctionnel du Canada * 173-175
plaintes 89-90
Services bilingues 21
dans les ministères et organismes fédéraux 21, 94-100
dans les provinces et régions 3-4, 96-97
et privatisation 18, 99
organismes bénévoles 19, 73-74
secteur privé 19, 74
VOIR AUSSI aux noms des provinces et territoires
Services sociaux et de santé dans la langue de la minorité
Nouveau-Brunswick 232
Ontario 218-219
Québec 5, 22, 194, 201, 226
région de la capitale nationale 25
Société canadienne d'hypothèques et de logement 178-179
Société canadienne des postes * iii, 18, 99, 175-178
plaintes 18, 92, 100
Société des Acadiens et Acadiennes du Nouveau-Brunswick 232
Sociétés d'État iii, 56
participation équitable 106
programmes des langues officielles 21, 58-59
Société franco-manitobaine 207
Société Radio-Canada 10, 164-165
services aux communautés minoritaires de langue officielle 10, 214
Solliciteur général 179-180
Sondage Gallup sur les langues officielles 3-4
Statistique Canada 77, 180-181
et questions linguistiques dans le recensement 49, 50
Surveillants bilingues 113-114

Télédiffusion
VOIR Radiotélévision
Terre-Neuve
communautés minoritaires de langue officielle 234-235
enseignement dans la langue de la minorité 234-235
enseignement de la langue seconde 249
Territoires du Nord-Ouest
communautés minoritaires de langue officielle 214
enseignement dans la langue de la minorité 214
enseignement de la langue seconde 256
langues aborigènes 8
Loi sur les langues officielles 8, 214
services multilingues 8
services territoriaux 214
télédiffusion 214
Townshippers Association 228
Traduction et interprétation 68-69

Transports (Ministère) * iii, 13, **181-183**
langue de service 50
plaintes 86-87
Travail (Ministère) 183-184
Travaux publics (Ministère) 184-186
Tribunaux
VOIR Procédures judiciaires
TV Ontario 219
TV5 10, 219

Université de Moncton 231

Vérification linguistique 119, 264
NOTE : les organismes marqués d'un * ont fait l'objet d'une vérification linguistique en 1989
Via Rail 99, 186-187
Ville de Rosemère (Québec) 204, 227

Yukon
communautés minoritaires de langue officielle 213
enseignement de la langue seconde 255
entente fédérale-provinciale 194
services territoriaux 194-213